UNION AND FREEDOM, WITHOUT COMPROMISE.

SPEECH OF MR. CHASE, OF OHIO,

ON MR. CLAY'S COMPROMISE RESOLUTIONS.

IN SENATE, MARCH 26, 1850.

The Senate having under consideration the resolutions submitted by Mr. CLAY—

Mr. CHASE. I rise, Mr. President, with unaffected diffidence, to offer to the Senate my views of the important questions presented by the resolutions of the honorable Senator from Kentucky.

Coming from the private walks of life, without the advantage of previous public position, and without experience in legislative debate, I speak from no eminence which will entitle me to command attention. I claim for what I say that consideration only which is due to sincerity of belief, to directness of purpose, and to whatever force of agument I may be able to bring to the support of my positions.

It has been said, Mr. President, and said in a tone of complaint, by Southern gentlemen, that this Government is rapidly becoming a mere Government of the majority—becoming a great consolidated democracy. Now, sir, if by this it be meant that this Government of ours has become, or is to become, the Government of the American people, administered in conformity with the will of a majority of the people—if it be meant that the democratic principle is carried, or is likely to be carried, into practical application in its administration and legislation, I see in the fact, if fact it be, no ground of complaint, but rather ground of congratulation and satisfaction. Why, sir, what is this democratic principle? Equality of natural rights, guarantied and secured to all, by the laws of a just popular Government. For one, I desire to see that principle applied to every subject of legislation, no matter what that subject may be—to the great question involved in the resolutions now before the Senate, and to every other question.

But our responsibilities are limited by our powers; and however clear it may be that we are bound by allegiance to democratic principle to condemn, to mitigate, to abolish slavery, wherever we can constitutionally do so, it is equally clear that we are not bound, and that we have no right, to interfere with slavery by legislation beyond the sphere of our constitutional powers.

We have no power to legislate on the subject of slavery in the States. We have power to prevent its extension, and to prohibit its existence within the sphere of the exclusive jurisdiction of the General Government. Our duty, therefore, is to abstain from interference with it in the States. It is also our duty to prohibit its extension into national territories, and its continuance where we are constitutionally responsible for its existence.

Such, Mr. President, is my position; and for the purpose of showing that I am sustained in it by the very highest authority, I propose to review, somewhat at large, the history of this Government in its relations to slavery.

It was said yesterday by the honorable Senator from Virginia [Mr. HUNTER] that the South had no cause of complaint against the North in regard to slavery until the year 1820, the date of the Missouri compromise. However that may be, we must go further back in time, if we wish to trace the controversy between slavery and freedom in this country to its source. We must go two hundred years further back. It was in 1620 that a Dutch ship ascended the James river, bringing the first slaves into Virginia. In that same year the Mayflower brought the Pilgrim founders of New England to Plymouth Rock. Slavery was introduced into Virginia. Freedom was planted in New England. The contest between the despotic principle—the element and guaranty of slavery—and the democratic principle—the element and guaranty of liberty—commenced.

But slavery was not established in Virginia without remonstrance and resistance. The colonists complained vehemently of the introduction of slaves, and resorted to various expedients of prevention. But the desire of the mother country to benefit the navigator and to stimulate production led the British Government to disregard every complaint, and to negative all colonial legislation against the slave trade. Slaves continued to be imported. The traffic extended to other colonies, until at length slavery obtained a foothold in every one of them. At the breaking out of the Revolution, slaves were held in every colony, from Massachusetts to Georgia.

Well, sir, how was slavery regarded at that period? In September, 1774, the first Congress of the colonies met in Philadelphia. Had the opposition to slavery which had been previously manifested, and the desire for its extinction which had been so generally cherished, now become extinct? A decisive answer to this inquiry may be found in an extract from a singularly able exposition of the Rights of British America, prepared by Mr. Jefferson, and laid before the Convention of Virginia, which assembled in August, 1774, for the purpose of appointing delegates to the proposed Congress. I will read this extract:

"*The abolition of domestic slavery* is the GREATEST OBJECT of desire in these colonies, where it was unhappily introduced in their infant state. But, previous to the enfranchisement of the slaves, it is necessary to exclude further importations from Africa. Yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to prohibition, have been hitherto defeated by his Majesty's negative; thus preferring the immediate advantage of a few African corsairs to the lasting interests of the American States, and the rights of human nature, deeply wounded by this infamous practice."—*Am. Archives, 4th series, vol.* 1, *p.* 696.

The Congress, which soon after assembled, shared these sentiments. Among its first acts was the framing of the celebrated Articles of Association which composed the Non-Importation, Non-Exportation, and Non-Consumption Agreement. I will read the second of those Articles:

"That we will neither import nor purchase any slave imported after the first day of December next, after which time we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, or sell our commodities or manufactures, to those who are concerned in it."—*Am. Archives, 4th series, vol.* 1, *p.* 914.

There was another article in this agreement, which I will read:

"Art. 14. And we do further agree and resolve that we will have no trade, commerce, dealings, or intercourse whatever, with any colony or province in North America which shall not accede to or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of this country,"—*Am. Archives, 4th series, vol.* 1, *p.* 915.

Well, sir, this solemn covenant, thus pledging every colony and every citizen to an entire abandonment and suppression of the slave trade, was signed by every delegate in Congress, Southern and Northern. Public sentiment on this subject was then unanimous, or next to unanimous, throughout the country. Among these signers we find the names of Rodney, McKean, and Read, of Delaware; Chase and Paca, of Maryland; Richard Henry Lee, of Virginia; Hooper and Hewes, of North Carolina; and Middleton, Rutledge, and Lynch, of South Carolina; all of whom subsequently subscribed the Declaration of Independence. We also find the names of George Washington and Patrick Henry.

Now, Mr. President, let it be remembered that these Articles of Association, entered into as a measure for obtaining a redress of grievances from the People and Government of Great Britain, and to the faithful observance of which, in all their stipulations, the delegates of the colonies pledged themselves and their constituencies, "under the sacred ties of virtue, honor, and love of country;" let it be remembered, I say, that these articles constituted the first bond of American Union. The Union thus constituted was, to be sure, imperfect, partial, incomplete; but it was still a UNION, a Union of the Colonies and of the People, for the great objects set forth in the articles. And let it be remembered also that prominent in the list of measures agreed on in these Articles, was the discontinuance of the slave trade, with a view to the ultimate extinction of slavery itself.

I say with a view to the ultimate extinction of slavery, and I have authority for saying so. I ask attention to an extract from the proceedings of a town meeting at Danbury, Connecticut, held on 12th of December, 1774:

"It is with singular pleasure we notice the second article of the Association, in which it is agreed to import no more negro slaves, as we cannot but think it a palpable absurdity so loudly to complain of attempts to enslave *us* while we are actually enslaving *others*."—*Am. Archives*, *4th series*, *vol.* 1, *p.* 1038.

This was the Northern view. What was the Southern? We find it upon record in the proceedings of the Congress of the Representatives of Darien, in the colony of Georgia. Acceding to the Association, they declared their views in these words:

"We, the representatives of the extensive district of Darien, in the colony of Georgia, being now assembled in Congress, by the authority and free choice of the inhabitants of said district, now freed from their fetters, do resolve."

Then follow several resolutions setting forth the grounds of complaint against the oppressions of Great Britain, closing with the emphatic declaration which I will now read:

"To show to the world that we are not influenced by any contracted or interested motives, but by a general philanthropy for all mankind, of whatever climate, language, or complexion, we hereby declare our disapprobation and abhorrence of the unnatural practice of slavery in America, (however the uncultivated state of our country or other specious arguments may plead for it)—a practice founded in injustice and cruelty, and highly dangerous to our liberties as well as lives, debasing part of our fellow-creatures below men, and corrupting the virtue and morals of the rest, and laying the basis of that liberty we contend for, and which we pray the Almighty to continue to the latest posterity, upon a very wrong foundation. We therefore resolve at all times to *use our utmost endeavors for the manumission* of our slaves in this colony, upon the most safe and equitable footing for the masters and themselves."
Am. Archives, *4th series*, *vol.* 1, *p.* 1135.

That, sir, was the Southern view. At least it was the view of a large and intelligent and influential body of Southern men. And with this understanding of their effects and tendency, the Articles of Association were adopted by colonial conventions, county meetings, and lesser assemblages throughout the country, and became the law of America—the fundamental Constitution, so to speak, of the first American Union. It is needless to cite many resolutions of these meetings. They can be found in the American Archives by those who desire to investigate the subject. I will quote but two.

The first is a resolution of the Convention of Maryland, held in November, 1774, readopted by a subsequent Convention, more fully attended, in December of the same year:

"*Resolved*, That every member of this meeting will, and every person in the province should, strictly and inviolably observe and carry into execution the Association agreed on by the Continental Congress."

The other is the declaration adopted by a general meeting of the freeholders of James City county, Virginia, in November, 1774, in these words:

"The Association entered into by Congress being publicly read, the freeholders and other inhabitants of the county, that they might testify to the world their concurrence and hearty approbation of the measures adopted by that respectable body, very cordially acceded thereto, and did bind and oblige themselves, by the sacred ties of virtue, honor, and love to their country, strictly and inviolably to observe and keep the same in every particular."

These, sir, are specimens of the formal and solemn declarations and engagements of public bodies. To show the sentiment which pervaded the masses of the people, I will read an extract from an eloquent paper, entitled "Observations addressed to the People of America," printed at Philadelphia in November, 1774:

"The least deviation from the resolves of Congress will be treason; such treason as few villains have ever had an opportunity of committing. It will be treason against the present inhabitants of the colonies, against the millions of unborn generations who are to exist hereafter in America, against the only liberty and happiness which remain to mankind, against the last hopes of the wretched in every corner of the world; in a word, it will be treason against God. * * * WE ARE NOW LAYING THE FOUNDATIONS OF AN AMERICAN CONSTITUTION. Let us, therefore, hold up everything we do to the eye of posterity. They will most probably measure their liberties and happiness by the most careless of our footsteps Let no unhallowed hand touch the precious seed of liberty. Let us form the glorious tree in such a manner, and impregnate it with such principles of life, that it shall last forever. * * * *I almost wish to live to hear the triumphs of the jubilee in the year* 1874; to see the medals, pictures, fragments of writings, that shall be displayed to revive the memory of the proceedings of the Congress of 1774. If any adventitious circumstance shall give precedency on that day, it shall be to inherit the blood, or even to possess the name, of a member of that glorious assembly."—*Amer. Arch.*, 4 *ser.*, *vol* 1, *p.* 976.

In these various resolves and declarations, Mr. President, we have the first expressions of the public sentiment and will of the American people upon this subject of slavery. The earliest action of the associated colonies was anti-slavery action. The Union which they then formed was indeed, as I have said, incomplete; but it was complete enough to warrant the Congress which represented it in declaring independence, in waging war, in contracting debts; in assuming, in short, many of the functions of nationality and sovereignty.

Well, sir, nearly two years passed by, and the grievances of the colonies remained unredressed. The war of the Revolution had begun, and the Declaration of Independence was promulgated. That instrument breathed the same spirit as the Articles of Association. The original draught, as it came from the hands of Jefferson, contained a clause reprobating in the strongest terms the traffic in men. I will read it:

"He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him; captivating and carrying them into slavery in another hemisphere, or to incur a miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* Powers, is the warfare of the *Christian* King of Great Britain. Determined to keep open a market where *men* should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce." *

This clause was indeed omitted from the Declaration, not because it did not express the sentiments of the majority of Congress, but, as Mr. Jefferson informs us, in compliance to South Carolina and Georgia. He intimates also that some tenderness under these censures was manifested by Northern gentlemen, whose constituents had been somewhat largely engaged in the slave trade. But still the great fundamental truth, which constitutes the basis of all just government, and which condemns equally every form of oppression, was retained in the Declaration, and announced to the world as self-evident: the truth that "all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments were instituted among men, deriving their just powers from the consent of the governed."

Thus we see that, in this second great act of the American people, the fundamental truth upon which the Articles of Association were based was reiterated; not as a "rhetorical flourish," not as an abstraction incapable of practical application in human

* 3 *Madison Papers*, at the close of the volume, where a fac simile in Mr. Jefferson's handwriting will be found.

affairs, but as a living principle, not to be disregarded, without fatal consequences, in the structure or the administration of government. That such was the view actually taken of the Declaration at that time is further evident from the language of the despatches transmitting it to the authorities of the different colonies, and to the commander-in-chief of the army. I will quote a paragraph from the letter of the President of Congress, John Hancock, to the Convention of New Jersey.

"I do myself the honor to enclose, in obedience to the commands of Congress, a copy of the Declaration of Independence, which you will please to have proclaimed in your colony in such way and manner as you judge best. The important consequences resulting to the American States from this Declaration of Independence, *considered as the ground and foundation of a future Government*, will naturally suggest the propriety of proclaiming it in such a mode as that the people may be universally informed of it."—*Amer. Arch., 5th series, vol.* 1, *p.* 11.

Such were the principles, Mr. President, of the Government and the People during the struggle for independence. They were reiterated at the close of it. Very shortly after the treaty of peace was ratified in 1783, Congress issued an address to the States, drawn up by Mr. Madison, the main purpose of which was to persuade to the provision of a fund for the discharge of the public engagements. That address contains the clause which I will now read:

"Let it be remembered, finally, that it has ever been the pride and boast of America that the rights for which she contended were *the rights of human nature*. By the blessing of the *Author of these rights* on the means exerted for their defence, they have prevailed against all opposition, and *form the basis of thirteen independent States*. No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of republican government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view, the citizens of the United States are responsible for the greatest trust ever confided to a political society."
1 *Madison Papers, Ap.* 11.

This, sir, was the acknowledgment of 1783. That the war of the Revolution was waged not to vindicate privileges, but rights; not the rights of any part or class of the people, but the rights of all men—"the rights of human nature."

It was not long before an occasion arose to test the sincerity of Congress in these various declarations; to determine whether or not Congress was prepared to carry the principles so solemnly recognised into practical application, without respect to persons or sections. Nor was Congress wanting to the occasion.

On the 1st of March, 1784, Virginia ceded to the United States all her claim to the territory northwest of the Ohio. Much praise has been awarded to Virginia for this cession. I desire to detract nothing from it. Virginia, doubtless, confided fully in the validity of her title to the territory which she ceded. It is true that, acting under her authority, and in anticipation of an expedition ordered by Congress, the gallant George Rogers Clarke, at the head of a handful of brave Kentuckians, dispossessed the British authorities of that portion of the territory which they had occupied on the Wabash and Mississippi. But it is right to say, and I am bound to say, that the validity of the Virginia title was never recognised, was always contested, by Congress. Other States claimed interests in the same territory. New York claimed the whole; Connecticut claimed a part, and Massachusetts also advanced a claim. Against all these demands, Congress asserted a right, in behalf of the United States, to the entire trans-Alleghanian region, as Crown Lands, acquired from Great Britain by the common blood and treasure of all the States, and appealed to the claimant States to relinquish their pretensions. New York was the first to respond to this appeal, and her cession was accepted by Congress in 1782. Virginia had previously proposed to cede all her claim northwest of the Ohio on certain conditions; but, the conditions not being admitted, the cession was not accepted. Subsequently the contest was terminated by a satisfactory cession, made by Virginia and accepted by Congress. It was an arrangement, in fact, which involved concessions on both sides. Virginia yielded to the United States all her claims to territory northwest of the Ohio, and the United States tacitly surrendered to Virginia all claim to the territory southeast of that river, alleged to be within her chartered limits. I have thought it my duty to make these observations, as a Senator of a State whose rights and interests, as well as the rights and interests of her sister States of Pennsylvania, Indiana, and Illinois, are affected to some extent, by the claim of exclusive title to the Western country which has been advanced in behalf of Virginia.

Whatever the title of Virginia may have been, however, it is certain that upon her cession, made, as I have said, on the 1st of March, 1784, the United States came into the undisputed ownership and sovereignty of the vast region northwest of the Ohio. To dispose of the soil and to determine the political institutions of the Territory, now became the duty of Congress; and the duty was promptly performed. On the very day of the cession, before the sun went down, Thomas Jefferson, in behalf of a committee, consisting of himself, Mr. Howell of Rhode Island, and Mr. Chase of Maryland, reported a plan for the government of the Western Territory—not that lying north of the Ohio merely, but of all, from the north line of Florida to the north line of the United States. This, sir, is a memorable document of our early history, and I propose to read portions of it to the Senate:

"The territory *ceded, or to be ceded*, by the individual States to the United States, * * * shall be formed into distinct States. * * * The settlers * * * shall, either on their own petition or on the order of Congress, receive authority, with appointments of time and place, for their free males, of full age, to meet together for the purpose of establishing a temporary Government. * * * * * * Such temporary Government shall only continue in force, in any State, until it shall have acquired twenty thousand inhabitants; when, giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent Constitution and Government for themselves: *Provided*, That both the temporary and permanent Governments be established upon these principles as their basis."

Here follow sundry provisions, the last of which is as follows:

"*That after the year* 1800 *of the Christian Era there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.*"—4 Journals Cong. Confed., 374.

This, sir, was the plan and *proviso* of Jefferson. It met the approbation of the American People. It proved that the declaration of 1776 was not an empty profession, but a true faith. It proved that the spirit of the covenant of 1774 yet animated the heart of the nation. According to this grand and comprehensive scheme, the commencement of the nineteenth century was to witness the inauguration of freedom, as the fundamental and perpetual law of the transmontane half of the American Republic.

Had this plan and proviso been adopted, we should not now be discussing the questions which embarrass us. The extension of slavery would have been limited by the Alleghanies. No slave could ever have trodden a foot of the soil beyond. Unhappily, however, the proviso was not adopted; and, as I have already said that it met the approval of the people, I ask attention to the proceedings which resulted in its rejection. On the 19th of April, Mr. Spaight, of North Carolina, moved that the proviso be stricken out. Under the Articles of Confederation, which governed the proceedings of Congress, a majority of the thirteen States was necessary to an affirmative decision of any question; and the vote of no State could be counted, unless represented by at least two delegates.

The question upon Mr. Spaight's motion was put in this form:

"Shall the words moved to be struck out stand?"

The vote stood—

For the Proviso, six States, viz: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania.

Against the Proviso, three States, viz: Virginia, Maryland, and South Carolina.

Delaware and Georgia were not represented. New Jersey, by Mr. Dick, voted *aye*, but her vote, only one delegate being present, could not be counted. The vote of North Carolina was divided—Mr. Williamson voting *aye*, Mr. Spaight, *no*. The vote of Virginia stood—Mr. Jefferson, *aye*, Messrs. Hardy and Mercer, *no*. Of the twenty-three delegates present and voting, sixteen voted for, and seven against, the proviso. Thus was the proviso defeated by a minority vote. The people were for it, the States were for it; but it failed in consequence of a provision which enabled the minority to control the majority. It so happened that Mr. Beatty, the colleague of Mr. Dick, had left Congress a day or two before, and returned a day or two after. Had he been present, or had one of Mr. Jefferson's colleagues voted with him, the result would have been changed.* How vast the consequences which, in this instance, depended on a single vote.

Well, sir, the Ordinance of 1784, thus maimed and otherwise mutilated, became the law of the land on the 23d of April following. In 1785, Mr. Jefferson went abroad as Minister to France, and was out of the country until after the adoption of the Constitution. The agitation of the proviso, however, did not cease in consequence of his absence. In that same year, (1785,) Mr. King, of Massachusetts, again moved the proviso in Congress, in a slightly modified form, as follows:

"That there shall be neither slavery nor involuntary servitude in any of the States described in the resolves of Congress of the 23d of April, 1784, otherwise than in the punishment of crimes, whereof the party shall have been personally guilty; and that this regulation shall be an article of compact, and remain a fundamental principle of the constitutions between the thirteen original States, and each of the States described in the said resolve of the 23d of April, 1784."—4 *Jour. Cong. Confed.*, 481.

The resolution was ordered to be committed by the votes of New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, and Maryland—eight; against the votes of Virginia, North Carolina, South Carolina, and Georgia—four. Delaware was not represented. The vote of Maryland was determined by two ayes against one no, while that of Virginia was determined by two noes against one aye. The decided favor shown to this resolution by the vote for its commitment was the more remarkable, inasmuch as it proposed the immediate prohibition of slavery, instead of prohibition after 1800, in all territory acquired, and to be acquired.

No further action was had at this time; but in a little more than two years afterwards, the subject was brought for the third time before Congress, in connection, as before, with the government of the Western Territory. The Ordinance of 1784, from causes into which it is not material to inquire, had never been carried into practical operation. Settlements were about to commence in the Northwest, and the settlers needed protection and government. Congress, therefore, in 1787, resumed the consideration of the subject of Western Territory. These deliberations resulted in the celebrated Ordinance of 1787, the last great act, and among the greatest acts of the Congress of the Confederation; an act which received the unanimous votes of the States; and, with a single exception from New York, of all the delegates. This Ordinance, in its sixth article of compact, expressly prohibited slavery and involuntary servitude, except for crime, throughout the Territory. It abolished existing slavery, and it forbade future slavery. It covered with this prohibition every inch of territory then belonging to the United States. It expressly declared the national policy which this prohibition and kindred provisions contained in the articles of compact were meant to indicate and establish. This is its language:

"For EXTENDING the *fundamental principles of civil and religious liberty*, whereon these republics, their laws and constitutions, are erected; *to fix and establish* those principles as the basis *of all laws, constitutions, and governments*, which *forever* hereafter shall be formed in the said territory: * * * Be it ordained and declared, &c."

To guard against possible future departure from this policy, it was ordained that these articles should "forever remain unalterable," unless altered by the "common consent of the original States, and the people and States in the Territory."

It is hardly possible to conceive of a more explicit declaration of governmental policy than this. The state of public sentiment in regard to slavery, which resulted in this positive and unanimous exclusion of it from national territory, is well described in a letter of Mr. Jefferson to Dr. Price, who published about that time a book in favor of emancipation. The letter bears date Paris, August 7th, 1785. I will read an extract:

"Southward of the Chesapeake, it will find but few readers concurring with it (Dr. P.'s book) in sentiment on the subject of slavery. From the mouth to the head of the Chesapeake, the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice; a minority which, for weight and worth of character, preponderates against the greater number who have not the courage to divest their families of a property which, however, keeps their conscience uneasy. Northward of the Chesapeake, you may find here and there an opponent to your doctrine, as you may find here and there a robber or a murderer; but in no greater number. In that part of America, there being but few slaves, they can easily disencumber themselves of them; and emancipation is put into such a train that in a few years there will be no slaves northward of Maryland. In Maryland I do not find such a disposition to begin the redress of the enormity as in Virginia. This is the next State to which we may turn our eye for the interesting spectacle of justice in conflict with avarice and oppression; a conflict wherein the sacred side is gaining daily recruits from the influx into office of young men, grown and growing up."

The general state of opinion is also well expressed by Mr. Jefferson in his Notes on Virginia, where he says:

"I think a change already perceptible since the origin of our present revolution. The spirit of the master is abating; that of the slave is rising from the dust, his condition mollifying, and the way I hope preparing, under the auspices of Heaven, for a total emancipation."

In another place, declaring his own sentiments, he said:

"Nobody wishes more ardently than I to see an abolition not only of the trade, but of the condition of slavery; and certainly nobody will be more willing to encounter any sacrifice for that object."

These sentiments were shared by nearly every distinguished character of that time.

In a letter to Robert Morris, dated Mount Vernon, April 12, 1786, George Washington said:

"I can only say that there is not a man living who wishes more sincerely than I do to see a plan adopted for the abolition of it, [slavery;] but there is only one proper and effectual mode in which it can be accomplished, and that is by legislative authority; and this, so far as my suffrage will go, shall never be wanting."—9 *Sparks's Washington*, 158.

In a letter to John F. Mercer, September 9, 1786, he reiterated this sentiment:

"I never mean, unless some particular circumstances should compel me to it, to possess another slave by purchase, it being among my first wishes to see some plan adopted by which slavery in this country may be abolished by law."—*Ibid.*

And, in a letter to Sir John Sinclair, he further said:

"There are in Pennsylvania laws for the gradual abolition of slavery, which neither Virginia nor Maryland have at present, but which nothing is more certain than they must have, and at a period *not remote*."

It is unnecessary to multiply these extracts. So universal were these sentiments, that Mr. Leigh, in the Convention of Virginia, in 1832, did not hesitate to say:

"I thought, till very lately, that it was known to everybody that, during the Revolution, and for many years after, the abolition of slavery was a favorite topic with many of our ablest statesmen, who entertained with respect all the schemes which wisdom or ingenuity could suggest for its accomplishment."

I think, Mr. President, that two facts may now be regarded as established: First, that in 1787 the national policy in respect to slavery was one of restriction, limitation, and discouragement. Secondly,

* 4 Journals Cong. Confed., 374; see also Cong. Globe, 1848-'9, Appen., 294, Speech of Hon. John A. Dix.

that it was generally expected that under the action of the State Governments slavery would gradually disappear from the States.

Such was the state of the country when the Convention met to frame the Constitution of the United States. That Convention was sitting in Philadelphia while Congress was framing the Ordinance in New York.

It has been said, in the course of this debate, that there was some understanding between Congress and the Convention in regard to the question of slavery. That may be so. There is, however, nothing in history which proves it, though circumstances do certainly seem to warrant such a conjecture. But, if there was an understanding, to what did it relate? Not certainly to the whole subject of slavery; for, up to the time of the promulgation of the Ordinance, no discussion had taken place in the Convention on that subject, except in respect to the question of representation and taxation. That question had been discussed with considerable heat; so much, indeed, that some members declared themselves ready to break up the Convention rather than consent to the representation of slaves. The exclusion of slavery from the Territories by the Ordinance may have had, and may have been intended to have, some influence upon this discussion. It may be that members from the free States, seeing slavery excluded from national territory, and supposing its extension to be thereby forever interdicted, were the more willing to consent to a representation of slaves as a temporary arrangement, which would cease of itself when slavery itself should cease or run out, at some period "not remote." But there is not a particle of foundation for any supposition that there was any understanding between Congress and the Convention, based upon the idea that slavery and freedom were entitled to equal regard in the action of the Government. Far from it. Whatever understanding there was, if there was any, must have been based upon the idea of slavery restriction; upon the fact that its extension was prohibited, and that its final disappearance was expected.

The framers of the Constitution acted under the influence of the general sentiment of the country. Some of them had contributed in no small measure to form that sentiment. Let us examine the instrument in its light, and ascertain the original import of its language.

What, then, shall we find in it? The guaranties so much talked of? Recognition of property in men? Stipulated protection for that property in national territories and by national law? No, sir; nothing like it.

We find, on the contrary, extreme care to exclude these ideas from the Constitution. Neither the word "slave" nor "slavery" is to be found in any provision. There is not a single expression which charges the National Government with any responsibility in regard to slavery. No power is conferred on Congress either to establish or sustain it. The framers of the Constitution left it where they found it, exclusively within and under the jurisdiction of the States. Wherever slaves are referred to at all in the Constitution, whether in the clause providing for the apportionment of representation and direct taxation, or in that stipulating for the extradition of fugitives from service, or in that restricting Congress as to the prohibition of importation or migration, they are spoken of, not as persons held as property, but as persons held to service, or having their condition determined, under State laws. We learn, indeed, from the debates in the Constitutional Convention, that the idea of property in men was excluded with special solicitude.

Mr. Madison declared, he "thought it wrong to admit in the Constitution the idea that there could be property in men."—3 *Mad. Pap.*, 1429.

Mr. Gerry thought the Convention "had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any sanction to it."—3 *Mad. Pap.*, 1394.

Similar expressions were used by other members. But I need go no further. Multiplied words will not convince those who will not regard the language of the Constitution itself, or the plain declarations of its framers.

It may, however, be worth while to refer briefly to the views expressed in the State Conventions which convened for the purpose of considering the Constitution with a view to its ratification. Did they expect the extension or continuance of slavery through the action or under the protection of the Government which they were called on to establish? Not at all.

James Wilson, of Pennsylvania, had been a leading member of the Convention, and in the Ratification Convention of his State, when speaking of the clause relating to the power of Congress over the slave-trade after twenty years, he said:

"I consider this clause as laying the foundation for banishing slavery out of this country; and though the period is more distant than I could wish it, it will produce the same kind, gradual change as was produced in Pennsylvania. * * * * The *new* States which are to be formed will be under the *control* of Congress in this particular, and slavery will never be introduced among them."

2 *Elliot's Debates*, 452.

In another place, speaking of this clause, he said:

"It presents us with the pleasing prospect that the rights of mankind will be acknowledged and established throughout the Union. If there was no other lovely feature in the Constitution but this one, it would diffuse a beauty over its whole countenance. Yet the lapse of a few years, and Congress will have power to exterminate slavery from within our borders."—2 *Elliot's Debates*, 484.

In the Ratification Convention of Massachusetts, Gen. Heath said:

"The migration or importation, &c., is confined to the States now existing only; new States cannot claim it. Congress by their ordinance for creating new States some time since declared that the new States shall be republican, and that there shall be no slavery in them."—2 *Elliot's Debates*, 115.

Nor were these views and anticipations confined to the free States. In the Ratification Convention of Virginia, Mr. Johnson said:

"They tell us that they see a progressive danger of bringing about emancipation. The principle has begun since the Revolution. Let us do what we will, it will come round. Slavery has been the foundation of much of that impiety and dissipation which have been so much disseminated among our countrymen. If it were totally abolished, it would do much good."—3 *Elliot's Debates*, 6—48.

And Governor Randolph, while denying, and justly denying, the power of the General Government, under the Constitution, to interfere with slavery in the States, rebuked those who expressed apprehensions that its influence might be exerted on the side of freedom, by saying:

"I hope that there are none here who, considering the subject in the calm light of philosophy, will advance an objection dishonorable to Virginia, that, at the moment they are securing the rights of their citizens, there is a spark of hope that those unfortunate men now held in *bondage* may, by the operation of the General Government, be made *free*."—3 *Elliot's Debates*, 598.

But the people were not satisfied with the fact that no power to invade personal freedom was conferred on Congress by the Constitution. They demanded direct and positive guaranties of personal rights. In compliance with these demands, several of the Ratification Conventions proposed to Congress such amendments as were desired by their respective States.

Virginia proposed a bill of rights, omitting, singularly enough, the first and fundamental provision of her own bill of rights, namely, that "all men are born equally free and independent," but containing this provision:

"No *freeman* ought to be taken, imprisoned, or disseised of his freehold, liberties, privileges, or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, *but by the law of the land*."

3 *Elliot's Debates*, 658.

North Carolina and Rhode Island each proposed the same clause. (4 *Elliot's Deb.*, 243: 1 *Ib.*, 334.) New York proposed a different provision:

"No *person* ought to be taken, imprisoned, or disseised of his freehold, or be exiled, or deprived of his privileges, franchises, life, liberty, or property, but by due process of law."—1 *Elliot's Debates*, 328.

These various propositions came before Congress,

and that body, at its first session, agreed upon several amendments to the Constitution, which were subsequently ratified by the States. That which related to personal liberty was expressed in these comprehensive words:

"No person * * * * shall be deprived of life, liberty, or property, without due process of law."—*Cons., Amend., Art.* 5.

In my judgment, sir, if this amendment had never been made, Congress would have had no power to institute slavery; that is to say, to enforce, by its laws, the subjection of one man to the absolute control and disposal of another man: for no such power is conferred by the Constitution, and the action of Congress must be restrained within its delegated powers. But the amendment is an express guaranty of personal liberty. It is an express prohibition against its invasion. So long as it remains a part of the Constitution, and is obeyed, slavery cannot be constitutionally introduced anywhere or maintained anywhere by the legislation of Congress. It must depend, and depend wholly, upon State law, both for existence and support. Beyond State limits, within the boundaries of the United States, there can be constitutionally no slave.

Here I may pause. I have rapidly sketched the rise of the American Government and the American Union, so far as their relations to American slavery are involved, from their origin in the Association of 1774 to the establishment of the Constitution in 1787. One spirit pervaded, one principle controlled all this action—a spirit of profound reverence for the rights of man as man—the principle of perfect equality of men before the law.

Animated by this spirit and guided by this principle, the Association bound all its members to discontinue the slave-trade. If any of them continued it, and some of them did, the guilt was on their own heads only, for the Association had no power to enforce the covenant. When the American Congress resolved on independence, they solemnly announced the great doctrine of inalienable rights as the basis of the national political faith and the foundation of all just government. When the war of the Revolution was over, they renewed the declaration that the contest which they had waged was in defence of the rights of human nature. When the acquisition of the Northwestern Territory presented an opportunity of carrying into practical application their exalted principles, they did not hesitate, but established them forever as the basis of all laws, constitutions, and governments, within its limits. When the Confederation proved inadequate to the exigencies of the Republic, and the people undertook the work of reforming their political system, they constituted the new Government and established the new Constitution upon principles which made the enslavement of men by the Government under the Constitution a legal impossibility. Let those who are inclined to murmur because no more was done, ask themselves by what people, in what age besides, has so much been done for the cause of freedom and right? Up to the time of the adoption of the Constitution, there was not a single slave in America, made such or held such, under any law of the United States. Had the policy of the founders of the Republic been pursued, and had the principles which they established been faithfully carried out in legislation and administration, there would have been now no slave anywhere under exclusive national jurisdiction—probably no slave within the boundaries of the Republic.

Unhappily, however, the original policy of the Government and the original principles of the Government in respect to slavery did not permanently control its action. A change occurred—almost imperceptible at first, but becoming more and more marked and decided, until nearly total. The honorable Senator from Massachusetts in the course of his late speech noticed this change, and ascribed it to the rapid increase in the production of cotton. Doubtless, sir, this was a leading cause. The production of cotton, in consequence of the invention of the cotton gin, increased from 487,600 pounds in 1793, to 6,276,300 pounds in 1796, and continued to increase very rapidly afterwards. Of course the market value of slaves advanced, and masters were less inclined to emancipation.

But the increase of the cotton crop was not the only, nor, in my judgment, the chief cause of altered public sentiment and governmental action. The change in the structure of the Government which introduced into one branch of the Legislature, and into the electoral college, a representation for slaves, constituted, I think, a far more potent cause. I will sketch the progress of the power derived from this source, for I think it important that its practical operation should be understood.

The Constitution permitted five slaves to be counted in the basis of representation as equal to three freemen. This rule, commonly known as the three-fifths rule, created a privileged order in this country, founded not on merit or public service, but upon force and wrong.

The first apportionment was made by the Constitution-Convention. Regard was had, doubtless, to the three-fifths rule in determining the number of Representatives assigned to each State, but we cannot now ascertain how many were allowed for the slaves. The census supplies the means of ascertaining the precise quantum of slave representation in each decennial period since the first apportionment. I now propose to submit to the Senate a table which exhibits at one view each decennial period since the adoption of the Constitution; the number of inhabitants required for one Representative; the number of slaves reckoned at three-fifths of their actual number; and the number of Representatives for slaves during each period.

Decennial period.	Representative number.	Three-fifths of slaves.	Representatives for slaves.
1790 — 1800	30,000	408,737	13
1800 — 1810	33,000	535,824	16
1810 — 1820	35 000	714,816	20
1820 — 1830	40 000	922,839	23
1830 — 1840	40,700	1,205 418	25
1840 — 1850	47,680	1,493,013	21

From this table it appears that in the very first Congress, if the Convention based their original apportionment upon anything like a correct estimate of the population, there must have been at least ten Representatives of slaves, and that in the second Congress there were thirteen. It was impossible that the influence of this representation should not be felt. It was natural, though it does seem to have been anticipated, that the unity of the slave interest, strengthened by this accession of political power, should gradually weaken the public sentiment and modify the national policy against slavery.

Well, sir, occasion was not long wanting to test the dispositions of Congress in this respect. At an early period of the second session of the 1st Congress, petitions were presented from the Society of Friends in Philadelphia and New York, and from the Pennsylvania Abolition Society, of which Benjamin Franklin was the President, praying Congress to take such measures as the Constitution would permit to discountenance and discourage slavery and the slave trade. A similar address had been made by a deputation of Friends to the Congress of the Confederation in 1783, who were received and heard with great respect, though Congress, having no power over the subject, was obliged to decline taking such action as was desired.* The petitions now presented were not treated with similar consideration. They were, however, received and referred, and in due time a report was made. In this report, the limits of the powers of Congress over the subjects of slavery and the slave-trade were carefully defined. In regard to slavery in the States, it expressed the fullest "confidence in the wisdom and humanity of the Legislatures, that they would revise their laws from time to time, when necessary, and *promote the objects mentioned in the memorials*, and every other measure that may tend to the happiness of slaves;" and, in

* 4 Journal Congress Confed., 286—89.—1 Deb. Congress, Old Series, 1224.

regard to slavery within the sphere of the legitimate action of Congress, it concluded with the following expression:

"That the memorialists be informed that, in all cases to which the authority of Congress extends, they will exercise it for the humane objects of the memorialists, so far as they can be promoted on the principles of justice, humanity, and good policy."—2 *Deb. Cong., Old Ser.*, 1465.

This report was assailed with great vehemence, especially by the members from South Carolina and Georgia, who denounced the petitioners and their objects, not sparing even the venerable Franklin, very much in the style of later days. The African slave-trade itself came in for a share of approval and vindication.

It was apparent that there was a large majority in favor of the report; but a desire to satisfy even unreasonable objectors, induced the concession of one point after another, until the report was reduced to three propositions: First, that migration or importation could not be prohibited prior to 1808. Second, that Congress had not power to interfere in the emancipation or treatment of slaves in the States. Third, that Congress could prohibit the slave-trade by the citizens of the United States for the supply of foreigners, and provide for humane treatment on the passage of those imported into the States. The last resolution of the original report, which pledged the Government, in conformity with its past policy and professed principles, to promote the objects of the memorialists, was stricken out altogether.

This was the first fruit of intimidation on the one side, and concession and compromise on the other. The majority of the House forbore to express their own settled convictions; forbore to pledge themselves to that course of disfavor to slavery and the slave-trade, which consistency, honor, and humanity, required of them; yielded everything of substance, and retained little else than form. Could they have seen that this was but the first step in a long line of concessions, perhaps not yet ended, surely the patriotic men who composed that Congress would never have taken that first step.

What followed, sir? In that same year, North Carolina tendered to the United States a cession of the territory lying between the mountains which form her present western boundary and the Mississippi, and now constituting the State of Tennessee, upon condition "that the inhabitants should have all the privileges, benefits, and advantages, of the Ordinance of 1787; provided, always, that no regulations made or to be made by Congress should tend to emancipate slaves." Congress accepted this cession, and provided for the government of the ceded country as a slaveholding Territory.

Hitherto Congress had never sanctioned slaveholding. Never hitherto had a single slave been held under any authority emanating from Congress. On the contrary, as we have seen, in all the territory hitherto acquired, slavery had been promptly abolished, and impregnable barriers erected against its renewed introduction. The acceptance of the North Carolina cession reversed the policy of the Government, and was a step in the wrong direction. To preserve the dominion of a few masters over an inconsiderable number of slaves, established policy, settled principle, and safe precedent, were alike disregarded. It was a mischievous—an almost fatal error.

In 1802, Georgia ceded to the United States the country lying between her present western limit and the Mississippi, stipulating that the Ordinance of 1787, in all its provisions, should extend to the ceded territory, "that article only excepted which forbids slavery." This cession was accepted, and the territory placed under a Territorial Government, restricted from all interference with slavery. This was the second chapter in the history of reaction.*

In 1803, we acquired Louisiana by purchase from the French Republic. There were at that time about forty thousand slaves held within its limits, under the French law. The treaty contained this stipulation:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the mean time, they shall be maintained in the free enjoyment of their liberty, property, and the religion which they profess."—8 *Stat. at Large, U. S.*, 202.

This stipulation, interpreted according to the plain sense of its terms, and carried into practical effect, would have enfranchised every slave in Louisiana; for no one, I apprehend, will venture to affirm that the slaves were not inhabitants. Independently of this stipulation, it was the duty of the Government—even more imperative than in 1787, for since then the whole country south of the Ohio and east of the Mississippi had been formed into slave States and slave Territories—to establish freedom as the fundamental law of the new acquisition. But this duty was not performed. There was some feeble legislation against the introduction of slaves from foreign countries, and of slaves imported since 1798 from the other States; but that was all, and that was useless.

Then came the cession of Florida by Spain in 1820. The stipulation in the treaty was substantially the same as in the treaty with France;* the duty of the Government in respect to the acquisition was the same; and there was the same failure to perform it.

Finally, Texas came in in 1845, not as a Territory, but as a State. Within her limits, slavery was never under the control of Congress. The existence of slavery there was an objection to her admission into the Union; but once admitted, and admitted as a State, her internal legislation on that subject was as much beyond the reach of the National Government as before.

Now, sir, what would have been the result if the policy which formed the cessions of North Carolina, Georgia, France, and Spain, into slave Territories, and finally admitted slaveholding Texas, had prevailed in 1787? Slavery, it is well known, existed in the Northwestern Territory. The honorable Senator from Illinois [Mr. DOUGLAS] has informed us that slavery was continued in that State, notwithstanding the Ordinance, under the protection of the State Constitution. We know what persevering efforts—continued from 1802 to 1807, and until final rejection of the application here—were used to induce Congress to suspend the operation of the slavery prohibition in the Ordinance in respect to all the territory not included within the limits of Ohio. We know what arguments were employed—the same precisely which have ever since been urged by those who would reconcile the people to the extension of slavery—the same, doubtless, which were urged with too fatal success to persuade the National Legislature to its first departure from the policy of 1774 and 1787. It was said that slavery would not be increased by the proposed extension, its only effect being to change the locality of persons already slaves; that the happiness of the slaves would be promoted by increased comforts of their new abodes; and, finally, that emancipation would be promoted by spreading the slaves over the largest possible extent of territory, and thereby making emancipation safe.†

These facts furnish conclusive proof that but for the positive prohibition of slavery by the Ordinance of 1787, every foot of land west of the Alleghany mountains would have been at this day slave soil. No law of physical geography or formation of the earth, no want of adaptation of soil or climate to the great staples of slave labor, no imaginary barrier in degrees of latitude, would have arrested the progress of the fatal blight.

Let us be thankful that the wisdom of the founders of the Republic foresaw, and by positive prohibition prevented, this great calamity. Let us be thankful, also, that those who followed them, though they

* More properly speaking the third, since the cession of the District of Columbia had been previously accepted, and the slave codes of Virginia and Maryland adopted and continued therein by act of Congress.

* 8 U. S. Stat. at Large, 256.

† 20 Amer. State Papers, 387—485.

failed to imitate their example, were yet unwilling to undo their work.

Let me now, sir, sum up the results of this policy of adding new slave Territories and new slave States to the Union, which was substituted for the original policy of free Territories and free States.

I make no remark here upon the admission of Kentucky. That State was a district of Virginia, and never a Territory of the United States. But out of Territories ceded to the Union, and actually organized under national jurisdiction, since the adoption of the Constitution, seven slave States have been erected and admitted: Tennessee out of the cession of North Carolina; Alabama and Mississippi out of the cession of Georgia; Louisiana, Missouri, and Arkansas, out of the cession of France; and Florida out of the cession of Spain. Besides these States, we have annexed slaveholding Texas, vast in her undisputed limits, and with vast claims beyond them. Here are eight new slave States, created and admitted out of Territories, not one foot of which had been ceded to the United States prior to the Constitution, and five of them out of foreign territory acquired by purchase or annexation since its adoption.

Well, sir, where are the free States which have come into the Union out of these Territories? There is but one. Iowa is the single State yet admitted out of all the vast Territories acquired since the organization of the Government.

Thus, sir, we see that while the original policy of the Government secured to freedom all the territory acquired before the Constitution, and all the States erected out of it, the reversal of that policy secured to slavery most of the territory subsequently acquired, and all the States formed out of it except one.

Now, sir, I desire to submit to the Senate a comparison of the areas which belonged respectively to freedom and to slavery at the date of the Constitution, and the areas which have been devoted to freedom and to slavery, respectively, in States created out of Territories and admitted into the Union since that date. I have compiled from the reports of the Commissioner of the Land Office a statement exhibiting this comparison, which I will read:

FREE STATES.	*Sq. ms.*
States in 1787, including Vermont and Maine -	164,081
States out of Northwestern Territory, viz: Ohio, Indiana, Illinois, Michigan, and Wisconsin -	239 345
State out of foreign territory acquired, viz: Iowa -	50,914
	454,340
SLAVE STATES.	
States in 1787, including Kentucky - - - -	243,642
States out of territory within original limits, viz: Tennessee, Alabama, and Mississippi - - -	141,969
States out of foreign territory acquired, including Texas within her undisputed boundaries - -	373,786
	759,307
Difference in favor of slave States, in square miles -	304,967
Add to this parts of Tamaulipas and Coahuila, between Nueces and Rio Grande, claimed by Texas	52,018
Add also part of New Mexico, east of Rio Grande, claimed by Texas - - - - - - - -	124,933
And the vast aggregate difference would swell to -	431,918

Upon inspection of this table, it will be seen that, had the original policy of the Government been persevered in, and no new slave States created out of Territories, the difference of area in favor of freedom within the original limits of the Republic would have been 282,738 square miles; and all territory acquired beyond those limits would of course have been free. It will be seen also that the reversal of this policy reduced this difference to 18,905 square miles, and, by acquisitions of foreign territory, changed the balance and created a difference in favor of slavery of 304,967 square miles, which will be increased, if the claims of Texas are allowed, to the enormous quantity of 431,918 square miles. Within these limits slavery suffers for want of room!—is "cabined, cribbed, confined," and seeks a wider sphere!

Sir, complaints from the slave States, under these circumstances, sound strangely to me. Why, sir, has not the policy of the Government been reversed in favor of their system? Has not slavery been extended to undreamed-of limits? Have not the slave States been more than doubled in number? Has not their area been almost tripled in extent? And yet they complain—complain of the agggressions of the North. They complain that the recapture of fugitive slaves is rendered difficult by free State legislation and free State sentiment; and that the subject of slavery is discussed and adverse opinions formed in the free States, which the electors ask us to embody in national legislation; that slavery has been already excluded from a portion of the national territories; and that a determination is manifested to prevent its further extension, and to restore the original policy of slavery restriction and discouragement.

Now, sir, so far as these complaints have reference to the action of the people, it is impossible to appease them. This is a Government of the people, and the voice of the people must be heard and respected in its administration. The States also are Governments of the people, and must be administered in conformity with the popular will. If the settled judgment and conscientious convictions of the people are against slavery, legislation, within constitutional limits, must follow that judgment and those convictions.

And, so far as these complaints respect the former action of the National Government, they who make them complain of themselves. For where has resided the practical control of this Government? Let a few facts answer this question. At the close of the current Presidential term, the slave States will have held the Presidency fifty-two years; the free States only twelve years. Of the gentlemen who have filled the Department of State, fourteen have been from the slave States, and five only from the free. Thirteen of the Judges of the Supreme Court have been taken from the slave States; from the free States, twelve. No Northern man has filled the office of Chief Justice during this century; and, notwithstanding the population of the free States is more than double the free population of the slave States, the latter have always been represented by a majority of the Judges upon the Supreme Bench. Of the Speakers of the House of Representatives, twelve have been from the slave States, and eight only from the free States; thus giving to the slave States the control of the appointment of the committees, and, consequently, of the business of the House. Sir, it cannot be denied that the power of this Government, in all its departments, has been for many years, practically and substantially, in the hands of Southern men, and has been used to advance the interests, real or supposed, of the slave section of the country.

These are not my assertions merely. They are the assertions of our public history, confirmed by the testimony of Southern gentlemen. I beg leave to quote an extract from the Charleston Courier of October 30, 1844:

"Our past experience has shown that the weight of the South has been heavily felt in the political balance, and has almost always monopolized high federal office.

"The Southern or slaveholding States have given six out of ten Presidents to the Union; the Northern or non-slaveholding States have given but four, and out of these four the two last were chosen by a large majority of Southern votes, and the last was a native Virginian, filially devoted to the rights and interests of the land of his birth; and even the two first enlisted a strong Southern support.

"Again, of the six Southern Presidents, five were re-elected to their high offices, and each occupied it for eight years, and only one will have occupied it but four years, giving in all to the slaveholding interest the possession and control of the Presidency for forty-four years out of fifty-six, while of the four non-slaveholding Presidents three occupied the Presidency but four years each, and one only a little month, giving in all to the non-slaveholding interest the possession and control of the Presidency for only twelve years out of fifty-six.

"So of the Chief Justices of the Union; the South has had three, and the North but two out of the five incumbents of that august judicial seat.

"At this moment (October 30, 1844) the Southern or slaveholding interest enjoys a monopoly of high federal office, executive, judicial, legislative, military, and naval. John Tyler, of Virginia, is President; and his Cabinet consists of John C. Calhoun, a South Carolinian, Secretary of State; George M. Bibb, a Kentuckian, Secretary of the Treasury; John Y. Mason, a Virginian, Secretary of the

Navy; Charles A. Wickliffe, a Kentuckian, Postmaster General; John Nelson, a Marylander, Attorney General: and William Wilkins, a Pennsylvanian, the single exception on the list, Secretary of War; Roger B. Taney, a Marylander, is Chief Justice of the United States; Willie P. Mangum, a North Carolinian, is President of the Senate; and John W. Jones, a Virginian, is Speaker of the House of Representatives; and Southern men stand at the head of the most important committees of both branches of Congress; Winfield Scott, a Virginian, is Major General of our army; and James Barron, a Virginian, senior officer of our navy; and, to crown all, Henry Clay, a Kentuckian, is the Whig, and James K. Polk, a Tennessean, the Democratic candidate for the next Presidency, securing to us the future as well as the past.

"If this be not the lion's share of political power, words have lost their meaning; if this be not enough to satisfy the South, she must be insatiable indeed."

All this, Mr. President, with unimportant modifications, is as true of 1850 as it was of 1844. The President and a majority of his Cabinet are slaveholders; the Speaker of the House is a slaveholder; the committees of both Houses are so constituted that the slave interest may receive no damage; and the slave States have now, as ever, a majority of the Judges of the Supreme Court. The Executive, Legislative, and Judicial Departments are in the hands of the slave power. What more can they desire?

Having referred, Mr. President, to the Supreme Court, I desire to say something further in this place of the regard paid to the security of slavery in the organization of that tribunal. No one joins more cordially than I in respectful acknowledgments of the probity, learning, and ability of the distinguished men who occupy its seats. But, eminent and upright as they are, they are not more than other men exempt from the bias of education, sympathy, and interest. It was but the other day that the honorable Senator from Mississippi, [Mr. DAVIS,] speaking of the adjustment of the Texan boundary by this Government, said:

"In referring it to the Senate, Texas referred it to a body which at that time one-half the members had interests like those she desired to maintain. In referring it to the President, she referred it to a Southern man, whose education and association warranted a reliance both on his information and his sympathies."

What more natural than that gentlemen from the slave States, in view of the questions likely to come before the Supreme Court, should desire that a majority of its members might "have interests like those which they would desire to maintain?" Certain it is that some care has been taken to secure such a constitution of the court, and not without success. I have prepared a table showing at one view the circuits, the States composing each, and the aggregate free population in each, which I will now submit:

FREE STATES.

Circuit.	States composing it.	Free population.
First	Maine, New Hampshire, Massachusetts, and Rhode Island - - -	1,632,896
Second	Vermont, Connecticut, and New York	3,030,847
Third	New Jersey and Pennsylvania - -	2,097,339
Seventh	Ohio, Indiana, Illinois, and Michigan	2,893,783

SLAVE STATES.

Circuit.	States composing it.	Free population.
Fourth	Delaware, Maryland, and Virginia -	1,246,572
Fifth	Alabama and Louisiana - - -	521,283
Sixth	North Carolina, South Carolina, and Georgia - - - - - - -	1,187,410
Eighth	Kentucky, Tennessee, and Missouri -	1,569,163
Ninth	Mississippi and Arkansas - - -	258,079

From this it will be seen that in order to secure a majority from the slave States upon the bench, the circuits are so arranged that, with something less than half of the free population, the slave States have five circuits and five judges out of nine. The smallest of the slave State circuits contains little more than one-seventh of the free population of the smallest of the free State circuits; while the largest of the latter contains near twice the number of free inhabitants in the largest of the former. The four Southwestern slave States, lying contiguous to each other, are divided into two circuits, while the four Northwestern free States, with nearly four times the free population, compose but one.

Mr. President, I have spoken freely of slave State ascendency in the affairs of this Government, but I desire not to be misunderstood. I take no sectional position. The supporters of slavery are the sectionalists, if sectionalists there are. Freedom is national; slavery only is local and sectional. I do not complain at all that the offices of the country have been filled by Southern gentlemen. Let them have the offices, if they will only administer the Government in conformity with its original principles. But I do complain that it has not been so administered; that its powers have been perverted to the support of an institution which those principles condemn; and that, in consequence of this perversion, we are involved in all the difficulties of the struggle between slavery and freedom, in the midst of which we now are.

I shall now proceed still further to illustrate the character and results of the slavery extension as contrasted with the slavery restriction policy, by a comparison of the present condition of Ohio, in respect to population, area, and political power, with the seven slave States which have come into the Union since the date of her admission. I shall submit this comparison in tabular form:

State.	Date of admission.	Free population, 1840.	Area, square miles.	Votes for Pres. and V. Pres 1848.	Reps.	Senators.	El votes.
Ohio	Nov. 29, 1802	1,519,467	39,694	328,633	21	2	23
	States	*admitted*	*since.*				
Lou.	April 8, 1812	183,959	46,431	33,653	4	2	6
Miss.	Dec. 10, 1817	180,440	47,147	51,376	4	2	6
Ala.	Dec. 14, 1819	337,224	50,732	61,845	7	2	9
Mo.	Aug. 10, 1821	325,462	67,380	72,748	5	2	7
Ark.	June 15, 1836	77,639	52,198	16,888	1	2	3
Fla.	Mar. 3, 1845	54,477	59,268	7,777	1	2	3
Tex.	Dec. 29, 1845	104,145	148,569	12,535	2	2	4
Aggregate of States		1,263,336	471,715	236,822	24	14	38

These are the results. Ohio was admitted into the Union in 1802. She had, in 1840, upon an area of not quite forty thousand square miles, a free population of more than a million and a half, and three hundred and twenty-eight thousand voters. Seven slave States have been admitted since. They had in 1840, making the proper deduction from the enumeration of Texas in 1847 given in the table, upon an area nearly twelve times greater than that of Ohio, a quarter of a million less inhabitants, and ninety thousand fewer voters. And yet these States, having, in addition to their free population, a representative population of four hundred and fifty-six thousand slaves, have three votes more in the House of Representatives, twelve votes more in the Senate, and fifteen votes more in the electoral college. Such are the fruits of slavery extension—less population, larger area, and more political power.

And now, Mr. President, let me ask what have been the results, on a larger scale, of the subversion of the original policy of slavery restriction and discouragement, and the substitution, in disregard of the letter and spirit of the Constitution, of the opposite policy? Why, sir, instead of six slave States—for I do not reckon among the slave States New York or New Jersey, in both which emancipation was expected in 1787, and soon after actually took place—instead of six slave States, we have fifteen; instead of a majority of free States, we have an equal number of slave and free; instead of seven hundred thousand slaves, we have three millions; instead of a property estimate of them at ten millions of dollars, we hear them rated at a thousand millions, and even fifteen hundred millions; instead of slavery being regarded as a curse, a reproach, a blight, an

evil, a wrong, a sin, we are now told that it is the most stable foundation of our institutions; the happiest relation that labor can sustain to capital; a blessing to both races, the white and the black, the master and the slave.

Sir, this is a great change, and a sad change. If it goes on, the spirit of liberty must at length become extinct, and a despotism will be established under the forms of free institutions.

Mr. President, I do not know that any monument has been erected over the grave of Jefferson, in Virginia.

Mr. MASON. There is—a granite obelisk.

Mr. CHASE. I am glad to hear it. No monumental marble bears a nobler name.

Mr. SEWARD. The inscription is: "Here was buried Thomas Jefferson, Author of the Declaration of American Independence, of the Statute of Virginia for Religious Freedom, and Father of the University of Virginia."

Mr. CHASE. It is an appropriate inscription, and worthily commemorates distinguished services. But, Mr. President, if a stranger from some foreign land should ask me for the monument of Jefferson, I would not take him to Virginia, and bid him look on a granite obelisk, however admirable in its proportions or its inscriptions. I would ask him to accompany me beyond the Alleghanies, into the midst of the broad Northwest, and would say to him:

Si monumentum quæris, circumspice!

Behold, on every side, his monument. These thronged cities, these flourishing villages, these cultivated fields; these million happy homes of prosperous freemen; these churches, these schools; these asylums for the unfortunate and the helpless; these institutions of education, religion, and humanity; these great States, great in their present resources, but greater far in the mighty energies by which the resources of the future are to be developed; these, these are the monument of Jefferson. His memorial is over all our Western land—

Our meanest rill, our mightiest river,
Rolls mingling with his fame forever.

But what monument should be erected to those whose misapplied talents, energy, and perseverance, have procured, or whose compromising timidity has permitted, the reversal of the policy of Jefferson? What inscription should commemorate the acts of those who have surrendered vast territories to slavery; who have disappointed the expectations of the fathers of the Republic; who have prepared for our country the dangers and difficulties which are now around us, and upon us? It is not for me, sir, to say what that inscription should be. Let it remain a blank forever.

Without concluding, Mr. CHASE gave way for a motion to adjourn; whereupon, the Senate adjourned.

WEDNESDAY, MARCH 27, 1850.

Mr. CHASE resumed: If, Mr. President, the views which I submitted to the Senate yesterday are correct, there can be no foundation whatever for the doctrine advanced, and somewhat boldly of late, that an equilibrium between the slaveholding and non-slaveholding sections of our country has been, is, and ought to be, an approved feature of our political system. No such equilibrium, nothing looking towards such an equilibrium, can be found in the Constitution, nor in any early action under it. It was not thought of by anybody. On the contrary, the Constitution was formed for seven free States and six slave States, and with full knowledge, on the part of those who framed and those who adopted it, that provision had been made by the Ordinance for the erection of five additional free States out of the Northwestern Territory. It was equally well-known that Vermont must soon come, and that Maine must ultimately come into the Union, and both as free States. Many expected also that Kentucky would come in as a free State. It is matter of history that a strong effort was made in the convention which framed her Constitution to provide for the abolition of slavery within her limits, and that this effort came very near success. On the other hand, there is nothing in history, so far as I am aware, which gives the least support to the idea that anybody wished for the extension of slavery beyond the limits of the existing States, or for the creation of any more new slave States within those limits. But, let it be conceded that it was anticipated that all the territory west of the Alleghanies and south of the Ohio would be formed into slave States, just as it has been, and where then would be the equilibrium? Four slave States—Kentucky, Tennessee, Mississippi, and Alabama—added to the six existing slave States, would make but ten; whereas the seven expected free States added to the seven existing free States, would make fourteen; thus giving to the free States, after the division of every inch of territory into States, a majority of eight in this Chamber, as well as a large majority in the other House. The truth is, sir, that this idea of an equilibrium was never started until after we began to create slave States out of territory acquired from foreign Powers. It is alien to our original policy, and inconsistent with the interests and the duty of the country.

Nor, Mr. President, is there any better foundation for the assertion that slavery and freedom are entitled to equal regard in the administration of this Government. The argument is, that the States are equal, that each State has an equal right with every other State to determine for itself what shall be the character of its domestic institutions; and, therefore, that every right acquired under the laws of any State must be protected and enforced in the National Territories as in the States whose laws conferred it. Sir, the argument does not warrant the conclusion. It is true that the States are equal, entirley, absolutely equal; it is true that each State, except when restrained by constitutional provisions, may form its domestic institutions according to its own pleasure; but it is not true that every right derived from State law can be carried beyond the State into the Territories or elsewhere; it is not true, for example, that, if a State chooses to authorize slaveholding within its limits, Congress is therefore bound to authorize slaveholding in the Territories. It is no more true than that a bank, chartered by the laws of a particular State, would have a right under that law to establish branches in the Territories, although the National Government might be constitutionally incompetent to legalize banking. Why, sir, slavery depends entirely for its existence and continuance on local law. Beyond the sphere of the operation of such law, no man can be compelled to submit to the condition of a slave, except by mere unauthorized force.

I come, now, Mr. President, to consider, in the light of these general principles, the particular questions under the consideration of the Senate. The honorable Senator from Kentucky has submitted to us several propositions, which mark out a general plan for the settlement of all questions growing out of the subject of slavery. I am afraid, sir, that this plan will hardly prove comprehensive enough. If we were prepared to adopt the whole scheme, who can say that other questions and other difficulties will not arise from this prolific source of embarrassment and trouble.

The first proposition of the Senator from Kentucky relates to the admission of California. It is not now a matter of dispute whether California shall or shall not be admitted into the Union. That question is settled. No doubts that California is to come in, with the boundaries which she claims and with the Constitution she has adopted. I concur cordially in this decision. As a Western man, I should have preferred the erection of two States rather than one out of the Territory acquired from Mexico on the Pacific; and I wish also, in common with many of the most intelligent citizens of California, that her eastern boundary had been restricted to the range of the Sierra Nevada. Under existing circumstances, however, I desire to see California come in as she is, without restriction and without delay.

But it is proposed to connect the admission of California with the general settlement of the slavery question; it is proposed also, since the recent report of a bill for her admission, and of a bill providing Territorial Government for Utah and New Mexico, from the Committee on Territories, to give to this Territorial bill precedence over the California bill. I am opposed, sir, to both these propo-

tions. I expect no good result, in the present state of the country, from the appointment of a committee to devise a general plan of settlement, in which the admission of California shall be included. The appointment of such an omnibus committee would excite alarm, distrust, indignation. It would not, in my judgment, inspire confidence or command respect. The task assigned to it would be an impossible work. Membership of it would be an unenviable distinction. Any adjustment that it could devise would be more likely to compromise the compromisers than to restore tranquillity to the country.

But it will be insisted that the Territorial bill for Utah and New Mexico shall have precedence of the California admission bill. That, sir, is an adjustment in another form. The design of it is palpable enough. It is expected that it will be easier to carry the Territorial bill, without any restriction as to slavery, before than after the admission of California. I do not know how this may be; but, for one, I will not consent to change the order in which the bills are reported by the committee. The country will regard, and, in my judgment, will justly regard, any change in that order, postponing the California bill to the Territorial bill, as a concession to the demand for the extension of slavery over free Territories. No such concession can ever receive the sanction of my vote.

Mr. President, the next two propositions of the Senator from Kentucky relate to the adjustment of the Texan boundary, and the assumption by the United States of the Texan debt.

It seems to me, sir, that both these questions have been brought prematurely into this discussion. I see no good reason for pressing them at this time upon the consideration of the Senate. Texas is here. Her Senators are in this chamber; her Representatives are in the other branch of the National Legislature. She is one of the United States. It is too late to question the constitutionality of her admission. And we might well leave all questions connected with the erection of new States within her limits, the liability of the United States for her debts, and the determination of her western and northwestern boundary, to be disposed of when they arise. Not one of them is important now, except that which relates to the boundary between Texas and New Mexico; and that should be determined in a bill for the government of that Territory rather than by a resolution, in forced connection with distinct matters. But as these questions are here, and have been made the subject of debate by Senators who have preceded me, I propose to state my own impressions in regard to them.

And I wish to say, in the first place, that I do not doubt the constitutional power of Congress to admit Texas. The power to admit new States is conferred upon Congress by the Constitution in the broadest and most general terms. "New States may be admitted by Congress into this Union," is the language of the Constitution. Statesmen and constitutional lawyers of great eminence have denied, I am aware, that this power was designed to extend to the admission of foreign States; but I see no such limitation in the instrument itself.

But a power to admit a new State is a very different thing from a power to covenant for the future admission of other States, to be created out of the States admitted. In my judgment the latter is as completely beyond, as the former is completely within, the powers of Congress. The question of admission must be addressed to the Congress to which the application for admission is made, and must be determined according to its own discretion, uncontrolled by any action of any preceding Congress. I do not say that Congress can propose no terms or conditions of admission, or none that will be binding. I think otherwise. I only say that one Congress cannot, upon the admission of one State, bind the discretion of a subsequent Congress in respect to the admission of other new States. This seems to me too plain for argument: let me add a single illustration. Suppose Congress, on the admission of a State, should agree that as soon as a district within it should contain five thousand inhabitants, it should be admitted as a State: would that stipulation bind a future Congress? I think not.

I am very far, therefore, from concurring in the views of the honorable Senator from Massachusetts in regard to the obligation to admit new slave States out of Texas. I confess, sir, that I was somewhat surprised by the argument which he addressed to us. I was aware that no one had been zealously opposed the admission of Texas than that distinguished Senator. In his strongest language—and no man uses stronger language—he had denied the constitutionality of the resolutions of annexation. After the adoption of these resolutions, and after compliance with the conditions and acceptance of the guaranties tendered by them, on the part of Texas; when, according to the argument of the Senator from Georgia, delivered upon that occasion, the faith of the Government was firmly bound, and still spoken and voted against her admission. This determined and unyielding opposition was understood to be based not only upon a conviction of the unconstitutionality of the measure, but also upon a fixed and settled hostility to the extension of slavery, and to the increase, in any branch of the Legislature, or in any department of the Government, of the slave power. I was startled, therefore, when I heard the Senator declare, not only that he regarded the constitutionality of the admission of Texas as a matter adjudged, and not now open to question in any way, but that, when the proper time for the enactment shall arrive, Congress will be bound to admit four new slave States out of Texas. Sir, I deny this obligation. The history of those resolutions was known to the country and known to Texas. It is, and was at the time, known and well known, that those resolutions could not have been carried except upon the assurance of Mr. Polk, the President elect, that he would adopt the latter of the alternatives presented by them, which contemplated negotiation and a treaty. It is and was well known also that President Tyler, availing himself of the last days of his official power, took the matter out of the hands of the President elect, and adopted the course of proceeding authorized by the first of those alternatives.

Sir, I will go as far as any man to maintain and uphold the constitutionally plighted faith of the Government; but when a claim is put forth under resolutions, so adopted and so acted upon, it must be shown that the claim is warranted by a fair construction of the stipulation, and it must be shown further that the stipulation itself is warranted by the Constitution. We have had too much, quite too much of constitutional amendment by legislation and resolution.

Now, sir, I undertake further to say that the guaranty asserted to exist by the distinguished Senator from Massachusetts, "that new States *shall* be made out of Texas, and that such States as are to be formed out of that portion of it lying south of 36 deg. 30 min. may come in, *to the number of four*, in addition to the State then in existence, and admitted by these resolutions," is not to be found in the resolutions. In the first place, the resolutions do not say that any new States "*shall*" be formed out of Texas. They provide that "new States, not exceeding four in number, in addition to said State of Texas, *and having sufficient population*, MAY *hereafter*, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission *under the provisions of the Federal Constitution.*" Where is that absolute "*shall?*" And what are the "provisions" referred to? The *shall* does not exist. The provisions are these: "No new State shall be formed within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the States concerned, as well as of the Congress." Now, this is either an absolute prohibition upon the erection of any new State within the limits of an existing State, or it is a prohibition of such erection without the consent of Congress. It is, at least, certain, then, that the resolutions themselves make the admission of States, erected out of Texas, dependent on the consent of the Congress in being at the time the application may be made. Consent of Congress is an important qualification of the asserted guaranty. I need say no more on this point.

I will add only that, whatever may be the true construction of the resolutions, or their obligatory force under the Constitution, it is quite certain that we are under no obligation to be active at this time in carving a new State out of Texas; and there is no great reason for apprehension that Texas will soon propose to divide herself, if Congress does not meddle in the matter.

As to the Texan debt, Mr. President, I am disposed to leave that where the resolutions of annexation left it—with Texas. Let Texas keep her lands and her debt. That was the sense of Congress then, and I see no reason for any change of position. If there are debts for which the United States are liable, in default of payment by Texas, let us wait till the default is established, and then look into the amounts and grounds of liability, and do what justice and good faith require.

The unadjusted boundary of Texas presents other but not very difficult questions. The resolutions of annexation do not provide for the admission, as a State, of the entire Republic of Texas with the boundaries claimed by her. This is the language of the resolutions: "Congress doth consent that the territory *properly included within* and *rightfully belonging to* the republic of Texas, may be erected into a new State, to be called the State of Texas." All questions of boundary are reserved, subject to adjustment by the Government of the United States. The simple question then is, What territory was "properly included within and rightfully belonged to" Texas, as an independent republic, prior to annexation? Two propositions respecting this matter seem to me to be clear. *First*, all the territory between the Nueces and the Sabine, and extending north to the Red River and the Ensenada, comprehending, according to the report of the Commissioner of the Land Office, 148,569 square miles, being four and a half times as large as Ohio, was properly included within and did rightfully belong to Texas at the date of annexation, and is therefore properly comprehended within the new State; *secondly*, none of that territory north of a line drawn from Paso del Norte to the Ensenada, and with that stream to Red river, known as New Mexico or the Santa Fe country, was properly included within or did rightfully belong to Texas at that date, and none of it therefore was a part of Texas as admitted into the Union.

The territory between the Nueces and the Rio Grande, and south of Paso and the Ensenada, may be regarded as

open to controversy. Petitions have been presented in this Chamber, since the commencement of the session, from a portion of the inhabitants, declaring their conviction that the country is not within the rightful limits of Texas, and asking for a Territorial Government. Another portion recognise the jurisdiction of Texas. We need take no action at present, but may await further information and future events.

Some reliance has been placed on Disturnell's map, a copy of which is annexed to the treaty with Mexico, as showing all the territory east of the Rio Grande to be within the limits of Texas. That map is now before me, and also an earlier map, from the same plate, published in 1844, by White, Gallagher, & White. Upon this latter map the territory between the Nueces and Rio Grande, and south of the Ensenada, is represented as constituting parts of Tamaulipas, Coahuila, and New Mexico or Santa Fe. Disturnell's map was published in 1847. The plate was altered in conformity with information obtained from the Departments of the Government here. The line of the Nueces is marked as the "original boundary of Texas in 1835." The Rio Grande, below the mouth of the Puerco, is marked as the "boundary claimed by the United States." Tamaulipas no longer appears to extend across the lower Rio Grande to the Nueces. But Coahuila still extends across the river; and above Paso del Norte and the Ensenada, the whole country is designated "Nuevo Mejico, o Santa Fe." I see not what aid the claim of Texas can derive from this map, which certainly contains no language on its face which will sustain it, and which is referred to in the treaty only to fix the western and southern boundaries of New Mexico, west of the Rio Grande.

It is said also that the United States having been constituted the arbiter between Mexico and Texas by the resolutions of annexation, and having become possessed of the territory in dispute by conquest or purchase, is estopped from denying the claim of Texas. Is this so? Let me put a case. Two neighbors dispute about their boundary, and refer the question to an arbiter. Pending the controversy, the arbiter buys the interest of one. Is he therefore bound to concede the tract in dispute to the other? Clearly not He has acquired the title of one, and, with it, whatever rights his grantor possessed. And it is now his business to adjust the controversy fairly and peaceably, if he can; if not, to refer it to another arbiter.

In my judgment, therefore, our plain duty at present is to provide a Territorial Government for New Mexico, which should embrace within its jurisdiction the whole country north of Paso and the Ensenada. But it does not seem to me indispensably important that the precise limits of its jurisdiction should be defined. The valley of the Rio Grande is the only part which is at present peopled, except by Indians, and the only part therefore which urgently requires an established Government. The territory between the Nueces and the Rio Grande, south of the line of New Mexico, can be left open to future adjustment, upon further information as to the views of the people and the rights of Texas.

Mr. President, the fifth, sixth, and eighth resolutions of the Senator from Kentucky embrace three propositions, which I propose to consider together:

1. That slavery in this District should not be abolished, except with the consent of the District and of Maryland.

2. That the slave trade in this District ought to be abolished.

3. That Congress has no power to prohiblt the slave trade among the States.

I concur fully in the second of these propositions, and thank the honorable Senators from Kentucky [Mr. CLAY] and from Alabama [Mr. KING] for the favor they have shown to this measure.

I cannot concur in the first proposition. I have already said that, in my judgment, the Constitution confers on Congress no power to enforce the absolute subjection of one man to the disposal of another man as property. It is my opinion that all legislation adopted or enacted by Congress for enforcing that condition ought to be repealed, whether in this District or elsewhere. I listened with great pleasure to the emphatic declaration of the Senator from Kentucky, in respect to the extension of slavery by Congress, that he would give "no vote to propagate wrongs?" What wrongs? Why, sir, those wrongs, multiplied and complicated, which are summed up in one word—SLAVERY. And where is the warrant for this comprehensive condemnation of slavery? It is found in that LAW to assert the supremacy of which here seems to some so censurable—that law of sublimer origin and more awful sanction than any human code, written in ineffaceable characters upon every heart of man, which condemns all injustice and all oppression as a violation of that injunction which commands us to do unto others as we would that others should do unto us.

If the Senator from Kentucky was right—and who did not feel that he was right?—in saying that he would give no vote to *propagate wrongs*, am I not right in saying that I will give no vote to *perpetuate wrongs*? Sir, I will give no vote for the perpetuation or continuance of slavery in this District. I deny any implied obligation to the people of Maryland to continue slavery here as long as it is continued there. No evidence can be produced of any such understanding. The state of public sentiment in Maryland and in Virginia at the time of the cession warrants the belief that the understanding and expectation, if there was any, was very different from that supposed. But, whatever the understanding or expectation may have been, our duty seems to me plain. The power of exclusive legislation over this District is confided to us. We are bound to use it so as to establish justice and secure the blessings of liberty for all within its reach.

I was surprised, Mr. President, by the proposition that Congress has no power to prohibit the slave trade between the States. Why, sir, that trade is prohibited now, except upon certain conditions. It is prohibited in vessels of less capacity than forty tons. Not a slave can be shipped coastwise without a permit from an officer of the United States; not a slave shipped can be landed without such a permit. Any one who will take the trouble to cousult the act of 1807 will see how this matter stands. I do not think that law unconstitutional. The Constitution confers on Congress power "to regulate commerce among the several States." Congress exercised this power in enacting that law. If they might enact that, they may enact others. If they can prohibit the trade in vessels of less than forty tons they can prohibit it in vessels of one hundred—five hundred—altogether. And why should not Congress prohibit this traffic? We hear much of the cruelty of the African slave trade. Our laws denounce against those engaged in it the punishment of death. Is it less cruel, less deserving of punishment, to tear fathers, mothers, children, from their homes and each other, in Maryland and Virginia, and transport them to the markets of Louisiana or Mississippi? If there be a difference in cruelty and wrong, is it not in favor of the African and against the American slave trade? Why, then, should we be guilty of the inconsistency of abolishing *that* by the sternest prohibition, and continuing *this* under the sanction of national law?

The seventh proposition of the Senator from Kentucky contemplates more effectual provision for the extradition of fugitive slaves.

I was sorry to hear the Senator from Massachusetts say the other day, that he proposed to support the bill on this subject, with the amendments to it, reported from the Judiciary Committee, "with all its provisions, to their fullest extent." I ask Senators, who propose to support that bill, where they find the power to legislate on this subject in the Constitution? I know to what clause I shall be referred. I know I shall be told that the Constitution provides that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." But this clause contains no grant of legislative power to Congress. That power is conferred exclusively by special clauses, granting legislative power in respect to particular subjects, and by the eighth section of the first article, which, after enumerating the specific powers of Congress, proceeds to declare that Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

Now, sir, what power is vested, by the clause in relation to fugitives from service, in the Government, or any department or officer of the Government? None at all; and if none, then the legislative power of Congress does not extend to the subject. The clause is a clause of compact. It has been so denominated by every Senator who has had occasion to speak of it. The honorable Senator from Massachusetts told us that he "always thought that the Constitution addressed itself to the Legislatures of the States, or to the States themselves; that he had always been of the opinion that it was an injunction upon the States themselves." If this opinion be correct, the power of legislation and the duty of legislation must be with the States, and not with Congress.

Mr. BUTLER. I interrupt the Senator merely with a view to obtain what I regard as important to the consideration of this matter. If some of the States who are parties to this compact refuse to pass such laws as will fulfil their obligations, where is the remedy?

Mr. CHASE. I know of no remedy. None has been provided by the Constitution. But let me put a question to the Senator from South Carolina. The Constitution provides among these articles of compact, of which one stipulation in regard to fugitives from service is one, that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Now, I ask the Senator if he admits, that, under this clause, Congress has power to provide penalties for the imprisonment of colored citizens of Massachusetts in ports and under the laws of South Carolina?

Mr. BUTLER. I take the broad ground that each State has a right to prescribe its own qualifications of citizenship. In all the old acts of Congress the class of persons referred to by the Senator are spoken of as persons of color as contra-distinguished from citizens. I believe it is in the power of every State to make a full citizen of a black man, but not to make him a full citizen of any other

State. The definition of a citizen in South Carolina is not governed by what may be the definition of a citizen in another State. I believe that each State can determine the qualifications of voters, and control as it pleases the rights of different classes of persons. But the Senator has not answered or met the question I have asked, and that is, in case a State refuses to carry out the provisions of the article in the Constitution, where is the power to compel it to do so?

Mr. CHASE. I certainly answered the Senator distinctly and candidly. I said I knew of no remedy in case of the refusal of a State to perform its stipulations. The obligation of the compact and the extent of the compact are, as in every other case of treaty stipulation, matters which address themselves exclusively to the good faith and sound judgment of the parties to it. But did the Senator answer my question? He has not told us whether, in his judgment, the General Government has power to enforce that constitutional compact which guaranties to the citizens of each State the rights of citizens in all the States. He has told us that each State determines for itself who shall be its citizens. I grant it. He says one State cannot determine who shall be a citizen of another. That may be so. But when a State has once determined who its own citizens shall be, the compact stipulates that they shall have the privileges of citizens in every other State. Not that they shall *be* citizens—not that they shall be admitted to the elective franchise, or be made eligible to office; but that they shall have those rights and immunities, that security and that protection to which citizens generally, male or female, minors or adults, are entitled. My question was: Has the General Government, in the judgment of the Senator, power under the Constitution to enforce the performance of this stipulation in South Carolina?

But I have been drawn aside from the line of argument intended to pursue.

I repeat, Mr. President, that this clause in relation to fugitives from service is a clause of compact. For many years after the adoption of the Constitution it was so regarded. It was not much discussed, and the limits of the respective powers of the State and Federal Governments under it were not very accurately settled. But nearly all the States legislated under it, and adopted such provisions for the extradition of fugitives as they deemed consistent with the security of the personal rights of their own inhabitants. At length, however, the Prigg decision was made, which asserted the exclusive right and duty of Congress to legislate on this subject, and denied that right and duty to the States. The same decision suggested, what every one here will admit, that Congress could not require State officers to intervene in the business of extradition. Indeed surprise no one that after this the States ceased to enact extradition laws, or that some of them repealed those they had before enacted, and prohibited the intervention of their officers.

But, sir, a decision of the Supreme Court cannot alter the Constitution. If Congress had no power to legislate on this subject before the decision, Congress has none now. The decision determined the case before the court. It established a precedent for the determination of such cases. It must stand till overruled. But I do not see how any Senator who finds himself unable, after the fullest consideration, to concur in the principle of the decision, can justify himself in the exercise of a power which he does not believe the Constitution has conferred.

What, sir, is the history of this clause and the clauses of like character which stand with it in the Constitution? The clause was taken from the Ordinance of 1787. In the Ordinance no one pretends that it was anything more than an article of compact. No power was derived from the Government. Three other clauses of the same article are found in the same article of the Constitution: stipulating for the extradition of fugitives from justice; another stipulating that the citizens of each State shall have the immunities of citizens in all the other States; a third stipulating that full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. All these clauses are taken from the articles of Confederation, where they stood as articles of compact, binding the good faith of the States, but conferring no power on the Government. Can a good reason be given by any one why they should have a different operation in the Constitution? It seems evident that the framers of the Constitution did not suppose that the General Government could enforce the execution of these clauses or any of them without special provision. For, united with the clause respecting records, we find a special power conferred on Congress to "prescribe, by general laws, the manner in which the record shall be proved, and the effect thereof." This grant of a special power in respect to records, and this omission to grant power in respect to the other subjects, affords the strongest possible implication that the Constitution-Convention did not design to grant any such power. Had the grant of the special power as to records been omitted, because would have been a stipulation precisely like the other clauses, and having the same effect; no more, no less; no narrower, no broader. It would have been a grant on the States; but no power could have been derived from it to Congress. To enable Congress to legislate, a special grant was necessary. The omission of any special grant of power to legislate upon the subject-matter of the other clauses must, then, have been designed, and must have been intended, as a denial of such power.

Are Senators prepared to adopt the broad proposition upon which the Supreme Court rested and were obliged to rest the assertion of the power to legislate for the extradition of fugitives, namely, that wherever the Constitution confers a right or enjoins a duty, a power arises to the Federal Government to enforce the right or compel the duty? Are they prepared to carry this doctrine into its practical results? Is it not obvious that it will open a new and very copious source of powers to the General Government; and that it must tend to the subversion of the rights of the States and the establishment of a consolidated central power, dangerous to their independence and sovereignity?

I have said, Mr. President, that the several clauses providing for the extradition of fugitives from justice, and fugitives from service, and for the security in all the States of the rights of the citizens of each State, are in the nature of treaty stipulations, to be carried into effect by the appropriate action of the State Governments. What that action should be it is for the State Governments to determine. It is for them to ascertain the true import of the terms of the compact, and to provide for its execution by such legislation as will guard equally the just rights of all parties. But, sir, those States who claim the performance of the compact from their sister States must see to it that they perform it themselves. A State which imprisons, without pretence of crime, the citizens of another State, cannot demand, with a good grace, the surrender of fugitives.

But, sir, if it be granted that Congress has the power to legislate, are we bound to exercise it? We have power, without question, to enact a bankrupt law, but no one proposes such a law; and, if proposed, no one would feel obliged to vote for it, simply because we have power to enact it. We have power to declare war, but to declare war, without just cause, would be, not a duty, but a crime. The power to provide by law for the extradition of fugitives is not conferred by any express grant. We have it, if we have it at all, as an implied power; and the implication which gives it to us is, to say the least, remote and doubtful. We are not bound to exercise it. We are bound, indeed, not to exercise it, unless with great caution, and with careful regard, not merely to the alleged right sought to be secured, but to every other right which may be affected by it. Were the power as clear as the power to coin money or regulate commerce, still it should not be exercised to the prejudice of any right which the Constitution guaranties. We are not prepared, I hope, and I trust we never shall be prepared, to give the sanction of the American Senate to the bill and the amendments now upon our table—a bill which authorizes and requires the appointment of two hundred and sixty-one commissioners, and an indefinite number of other officers, to catch runaway slaves in the State of Ohio, which punishes humanity as a crime; which authorizes seizure without process, trial without a jury, and consignment to slavery beyond the limits of the State without opportunity of defence, and upon *ex parte* testimony. Certainly no such bill can receive my vote.

It is further proposed, Mr. President, by the Senator from Kentucky, to establish Governments for the Territories acquired from Mexico, without any prohibition of slavery. He proposes also to declare by resolution that slavery does not now exist in those Territories, and is not likely to be introduced into them.

Mr. President, no question has been more discussed of late years than this of the territorial prohibition of slavery. Upon the rostrum, in legislative halls, in the street, by the fireside, everywhere, it has been a topic of debate, appeal, and conversation. From the moment that it became evident that the Mexican war must result in vast accessions of domain, an earnest desire, which soon matured into fixed determination, was manifested by a large majority of the American People that slavery should be forever excluded from the new acquisitions. It was honorable to the Northern Democracy that the first proposition to impress forever, upon the soil of the new territory, the signature and seal of freedom, came from a Northern Democrat, distinguished for fidelity to Democratic principles, and was received with favor by the great body of his political associates. It was equally honorable to Northern Whigs that they were not deterred by its Democratic origin from giving to the Proviso of Freedom a generous and general support. It was a revival, after the lapse of sixty-two years, of the territorial policy of Jefferson, and, however it may now serve particular ends to depreciate or deride it, the country will at last do justice to the meesure and its author.

During the last Presidential canvass, it was hard to find in the free States an opponent of slavery prohibition. The people had considered the subject, and had made up their minds. There was no need, therefore, of argument to establish the correctness of the principle or the necessity of the measure. The only contest was upon the question, whose election was most certain to secure the exclusion of slavery from the Territories.

On the Whig side, it was urged that the candidate of the

Philadelphia Convention was, if not positively favorable to the Proviso, at least pledged to leave the matter to Congress, free from Executive influence, and ready to approve it when enacted by that body. Great stress, therefore, was laid upon the selection of Representatives and Senators devoted to this great measure; and it was asserted that if a majority of the members of the House and a Vice President, holding the casting vote in this body, could be elected favorable to the Proviso, the freedom of the Territories would be secure.

It happened that the distinguished statesman who received the nomination of the Baltimore Convention for the Chief Magistracy had written a letter shortly before that event, in which he avowed a change of opinion in regard to the Proviso, which had resulted in a conviction that Congress had no constitutional power to enact it. Notwithstanding this letter, many of his friends in the free States persisted in asserting that he would not, if elected, veto the Proviso; many also insisted that he regarded slavery as excluded from the Territories by the Mexican laws still in force; while others maintained that he regarded slavery as an institution of positive law, and Congress as constitutionally incompetent to enact such law, and held therefore that it was impossible for slavery to get into the Territories, whether Mexican law was in force or not. It was claimed accordingly with great confidence that, in the event of the election of that eminent citizen, slavery would be as effectually excluded from the Territories by the action of the Administration as it could possibly be by the Proviso.

Not satisfied with the positions or the nominations of either of these candidates, a great body of Independent Democrats, Progressive Whigs, and Liberty men, united upon a platform of Democratic principles and measures, under the banner of Free Democracy, in support of a Democratic statesman who had already been honored with the Chief Magistracy, and whose opposition to the extension of slavery and cordial approval of the great measure of prohibition which had received a sanction so unanimous from the people, was well known and undoubted.

Well, sir, professions of devotion to Free-Soil principles, liberally and even prodigally made by the supporters of the Philadelphia and Baltimore nominees, reinforced by party discipline and party attachments, so far prevailed with the people that the nominee of the Free Democracy received only about three hundred thousand votes.

As between the other candidates, the argument addressed to the people by the friends of the Philadelphia nomination was in substance this: prohibition is essential to the certain exclusion of slavery from the Territories; if the Democratic candidate shall be elected, prohibition is impossible, for the veto will be used: if the Whig candidate shall be elected, prohibition is certain, provided you elect a Congress who will carry out your will: vote, therefore, for the Whig candidate.

This argument, doubtless, had its weight. At all events, the people acted upon the theory which it suggested. They did their part. They elected the Whig candidate. They instructed, through the State Legislatures, one-half the Senators to vote for the great measure of prohibition; they elected a Vice President recommended to them as unequivocally and heartily in favor of it; and they placed in the House of Representatives a decided majority pledged to its support.

What then? We came here; and, sir, it does seem to me that when we get here we are apt to forget that there is a PEOPLE, and that we have CONSTITUENTS. We seem to be more desirous to reach results which will satisfy controlling influences here, than to meet the just expectations of those whose representatives we are. Why, sir, every one knows that at the commencement of this session there was a decided and apparently fixed majority in the other branch of Congress in favor of the Proviso, and that in this Chamber half or nearly half the members were instructed to vote for it. And yet now we are told, and told by Senators who but recently were foremost in zealous advocacy of this measure, that it is unnecessary, and offensive to the South, and should be abandoned. Plans of compromise and arrangement, every one of which involves the surrender of this great vital principle, are brought forward and urged upon us.

I do not understand, sir, how it is that a measure which fully harmonizes with the original policy and the early precedents of the Government, and which once received the unanimous sanction of the entire South, can now justly be regarded as offensive by that section of the country. If it was right and acceptable to abolish existing slavery and prohibit future slavery in the Northwestern Territory in 1787, the prohibition of the extension of slavery into the territory acquired from Mexico, where no slave now exists, cannot be just cause of offence in 1850. At all events, sir, we must do our duty. We should not, we must not, be moved from it by any appeal addressed to sympathy and not to judgment.

But we are told, also, that the Proviso is unnecessary; and this, too, by the honorable Senator from Massachusetts, who, less than two years ago, without reservation or qualification, declared his full adhesion to its "whole doctrine." Then there was great danger, in his judgment, that slavery would find entrance into the Territories, if the Democratic candidate should be elected; for, in that event, prohibition would be out of the question. Now, it is discovered that prohibition is unnecessary! Slavery is excluded—so the Senator informs us—from California and New Mexico "by the law of nature, of physical geography, the law of the formation of the earth." And he tells us he would "not take pains to reaffirm an ordinance of Nature, nor to re-enact the will of God."

I wish, Mr. President, that the honorable Senator had told us that in 1848. I wish that the people could then have heard something of this law of nature, of physical geography, of the formation of the earth, which makes the Territories acquired from Mexico forever inaccessible to slavery. I cannot help thinking that the result of the election would have been somewhat different if these views had been then understood to find favor with the supporters of the Philadelphia nomination.

Sir, this law of nature is not, I suppose, of recent origin. It existed in 1848, if it exists at all. The clear vision which can read it now, written so plainly in the formation of the earth—descending so visibly from the throne of God—discerned it doubtless then. Why was it not then announced?

I must be allowed to say that, in my judgment, there is a difference between the full and entire commitment to the "whole doctrine" of the Proviso which the Senator avowed in 1848, and his recent declaration that, in a bill for the Government of New Mexico, a prohibition of slavery would be an "entirely useless, and, in that connection, entirely senseless Proviso." Useless and senseless, because it would be a re-enactment of the will of God! Sir, I should like to know what laws we are to enact, if we are not to re-enact the will of God? There is *another* power: are *His* the laws which we should re-enact? Sir, all just legislation must be a re-enactment of the Divine will. The rights of human nature are not derived from human law. Men are "*created* equal:" "they are endowed by their Creator with inalienable rights." Aggressions upon these rights are crimes. It is the duty of every Legislature to frame all law with paramount regard to the prohibition of these aggressions and the security of these rights.

But, sir, is it quite true that any law of physical geography will protect the new Territories from the curse of slavery? Peonism was there under Mexican law: and where there is compulsory servitude for debt, lifelong and inevitable, chattel-slavery is not far off, if the law will permit it. But if peonism were not there to warn us what may be expected if slavery be not prohibited, could we, as rational legislators, find an excuse in the physical circumstances of the country for abandoning the Proviso? It is said to be "Asiatic in formation and scenery." Are there no slaves in Asia? But the soil is cultivated by "irrigation." Well, sir, will the fact, if it be a fact, that the sun shines from a cloudless sky, and waters to refresh the earth must be drawn from the streams which snow-capped hills supply: will this exclude slavery? But the lands are poor. Sir, who knows that? Much of the vast region over which we are to extend Territorial Governments is wholly unexplored. In other parts there is, as everywhere else, good land and poor land. Certainly there are mines, and in these employment has slave labor been more commonly or more profitably used.

Let us take care that we do not deceive ourselves or mislead others. Neither soil, nor climate, nor physical formation, nor degrees of latitude, will exclude slavery from a country. Can any gentleman name a degree of latitude beyond which slavery has not gone? Or any description of country to which it has not, at some time, found access? It is acknowledged, and has been for years acknowledged, to be unprofitable in several of the existing States, and yet no State, except New York and New Jersey, which has obeyed the impulse of the Revolution and of its doctrine, has abolished slavery since the organization of this Government. The truth is, that so long as a powerful and active political interest is concerned in the extension of slavery into new Territories, it is vain to look for its exclusion from them except by positive law. It has been repeatedly stated by gentlemen from the slave States, in the course of this debate, that nothing prevented slave emigration to California except the anti-slavery agitation and the dread of the Proviso.

Mr. President, there are some Senators who place no reliance on configuration, or climate, or other physical conditions, for the exclusion of slavery, but seem to rely with some degree of confidence on the Mexican law to secure that object. I do not concur in this reliance. The Mexican law remaining in force in the Territories, should secure, in my judgment, the freedom of all the inhabitants at the time of acquisition. In my judgment, also, neither the Government of the United States nor any Territorial Government is or can be constitutionally authorized to institute slavery any more than a monarchy, or a national religion, or an inquisition. But, sir, I know very well that Mexican law can be changed as soon as a Territorial Legislature is established; and I know, also, that my view of the constitutional limitations upon the power of this Government and of Territorial Governments, in respect to their competency to establish and maintain slavery, is not acknowledged or correct by the statesmen and jurists of the slave States. Give me an Administration of this Government fully

'bued with this view, heartily favorable to the perpetuation and extension of human freedom, and heartily opposed to the perpetuation and extension of human slavery, and I would not ask for any legislative prohibition. The spirit of such an Administration, the judicial action which it would secure, and, above all, the Constitution so interpreted and enforced, would be Proviso enough.

But we have no such Administration. On the contrary, we know that distinguished gentlemen, who are among its most prominent supporters, assert and insist that under the Constitution, and in virtue of its provisions, the Government of the United States is as much bound to protect and maintain, within national territories, every slaveholding emigrant in the full possession, control, and disposal of his slaves, as it is to protect and maintain any other emigrant in the possession, control, and disposal of any species of property whatever. In this position leading gentlemen on the other side of the Chamber agree with them. In other words, they insist that, by the operation of the Constitution itself, slavery became lawful in the Territories from the date of the acquisition. There is a pretty general concurrence among Senators from the slave States of both political parties in this position. I should be glad to be assured that there are no Senators from the free States who concur in it. I regret that the Senator from Massachusetts, whom I am sorry not to see in his seat to-day, did not see fit, when he addressed the Senate lately, to state his views upon this subject. If I recollect aright, that distinguished Senator, when occupying another high position in the Government, in a diplomatic despatch of great ability, maintained the doctrine that, under the Constitution of the United States, men might be held as property in American vessels upon the high seas, beyond the limits of any State, and this upon the ground that such vessels were to be regarded in the same light as national territory. If the honorable member does in fact hold this opinion, I do not see that he differs widely, or at all, as to this matter, from the Senator from Georgia, [Mr. BERRIEN,] or the Senator from Alabama, [Mr. KING,] I need not say that I wholly dissent from it.

In the midst of this variety of opinion, and under the circumstances which surround us, when it is well known that nearly every Senator from the slave States insists that slavery should be permitted in the Territories, and most of them expect that, if permitted, slavery will be introduced there, it seems to me worse than ordinary folly for those who really desire its exclusion to reject the simple, and obvious, and certain preventive of prohibition. That we have the power to prohibit is clear, if we have any power to legislate for the Territories at all. That we have power to legislate I shall not pause to argue. I know but one Senator who denies it; and even that distinguished gentleman, [Mr. CASS,] though he cannot find power to establish Territorial Governments, declares himself ready to assume it, on the ground of necessity. If he is willing to assume that power, it is difficult to see why he should not be willing, in exercising that power, to establish Governments upon principles which will secure to every individual under them the blessings of personal liberty. For myself, I cannot doubt upon the subject. The power to provide Governments for the Territories, and to prescribe just limits to their action, is clearly given by the Constitution. It has been exercised under every Administration, and by nearly every Congress since the organization of the Government. Whatever differences of opinion there may have been, as to the existence or limits of other powers, there has been very little as to this. The power to prohibit slavery in the Territories is, in my judgment, clear and indisputable; and the duty of exercising it is imperative and sacred.

But, we are told that if Congress prohibit slavery in the Territories, or abolish slavery and the slave trade in this District, or fail to provide adequate securities for the return of runaway slaves, the South will dissolve the Union! This cry, Mr. President, neither astonishes nor alarms me. I never thought, nor do I now think, that any man should be deterred by it, from an honest, fearless discharge of his duty here. It is an old cry, not without profit to those who have used it. It was first heard in the Congress of 1774. The student of history who examines the Non-Importation and Non-Exportation Agreement of that Congress, will be struck by a singular exception in the Non-Exportation Article. I have already had occasion to remark that the Agreement itself was designed to secure redress of American grievances from the Government of Great Britain by a suspension of commercial intercourse. The Non-Exportation Article bound the colonies and the people not to export any American commodity to Great Britain, Ireland, or the West Indies, with this remarkable exception, "except rice to Europe." How came this exception there? Why, sir, the staple of South Carolina was rice, and the delegates of South Carolina in that first Congress, when the struggle with Great Britain was impending, and union was all-important to its successful issue, threatened to withdraw from the Congress and break up the Association, unless South Carolina could be permitted to export rice and indigo. This proceeding occasioned a suspension of the business of the Congress for two or three days. Finally, it was determined to compromise the Association without conceding the South Carolina demand, and thereupon her delegates, except one, withdrew. They were invited to return, and a compromise was proposed, to allow the exportation of rice, but not of indigo. I have consulted Pitkin's Statistics, and I find that the export of rice in 1770 was about one hundred and sixty thousand barrels, valued at fifteen hundred and thirty thousand dollars. I find no mention of indigo. Of course the compromise was agreed to, and the words "except rice to Europe" added to the Non-Exportation Article. It was a model for all future compromises. South Carolina got what was substantive, and surrendered what was unimportant. This was the first utterance of the disunion cry, and this was its first result.*

The Journals of the old Congress inform us that in 1783 a resolution was adopted, establishing the seat of Government at the Falls of the Delaware. Much dissatisfaction was manifested by the South. Some persons, it seems, became alarmed, and a motion was made to reconsider, in order to fix on some place more "*favorable to the Union*," and approaching "nearer to that justice which is due to the Southern States." † All this terminated in another compromise. It was agreed that two seats of Government should be established—one on the Delaware, and the other on the Potomac. The final result was the establishment, by the action of Congress under the Constitution, of the seat of Government in this District, and the abandonment of the location originally agreed on.

In the Convention which framed the Constitution the same cry was heard. South Carolina and Georgia declared they could not come into the Union unless they could have the privilege of importing slaves. ‡ And, notwithstanding the sense of the Convention was strong and almost unanimous against the traffic, for the sake of the Union another compromise was agreed on. Slavery was allowed all it demanded for twenty years; after which, Congress might suppress the trade if it should see fit.

In 1820 the Union was again menaced. The cry now was, "admit Missouri as a slave State, or we will dissolve the Union." Great alarm was excited. Propositions for compromise were multiplied, and the contest finally terminated, as usual, by conceding to slavery all it then demanded, with a set-off to freedom in the prohibition of slavery in all the territory acquired from France north of 36 deg. 30 min., except that within the limits of the new State.

The same play was enacted in 1832 and 1833. Then the ground of complaint was the tariff. South Carolina pushed the disunion remedy to nullification. General Jackson was at the head of the Government, unterrified. But in Congress great apprehension was manifested, and a desire to concede almost everything rather than to risk the consequences of a decided course. Another compromise was effected. The protective policy was abandoned by its great champion, and a scale of reduction of duties adopted, which in ten years overthrew the tariff. For one, Mr. President, I do not complain of the reduction of duties; but I would prefer to see a plan of reduction adopted calmly, considerately, not under the dictation of any cry, but in conformity with a sound and liberal judgment.

Well, sir, between 1830 and 1835 the anti-slavery agitation commenced, and soon became formidable. Then again we heard the cry of disunion. The demand now was suppression of the freedom of speech and the press, and of the right of petition; in brief, silence on the subject of slavery, and forbearance of all action against it. The alternative denounced was dissolution of the Union. The agitation, however, was not suppressed; anti-slavery societies increased and multiplied; they made themselves felt everywhere. Well, was the Union dissolved? Not at all. It stands yet, and will stand, I trust, forever. The menace was as earnest, as emphatic, as violent as ever, but it came to nothing. It had the same termination which would have attended all similar preceding menaces, had they been calmly disregarded.

In 1844 the annexation of Texas was demanded by the slave States. It had been a favorite object for many years, and it seemed brought within their grasp. They became, accordingly, extremely urgent, and resorted to the South Carolina specific. They raised the cry, "Texas or disunion." The distinguished Senator from Missouri, always devoted to the Union, took the trouble to direct public attention, in an appendix to a speech of his on the subject of Texas, delivered in that year, to some samples of these threats. They are worth looking at now. Well, sir, under these influences, in part, Texas was brought into the Union. I say "in part," because I am well aware that other influences contributed largely to the result; and among these influences not the least powerful was a generous sentiment of the Democracy of the country in favor of the extension of the American Union—a sentiment which made them willing to accept Texas with slavery, and trust to the future for her deliverance from that evil and reproach.

And now, sir, we have the last republication of this old story. Now we are threatened with dissolution of the Union unless we will consent to what no republican Government ever did consent to; what is in direct opposition to the principles and spirit of our institutions, and is condemned by the earliest and best precedents of our history;

* American Archives, 4th Series, Vol. I, p. 1111.
† 4 Jour. Cong. Confed., 288. ‡ 3 Mad. Pap., 1389.

namely, the extension of slavery into Territories now free! Shall we yield to this outcry? For one, I say, never! In my judgment, it is time to pause. We have yielded point after point; we have crowded concession on concession, until duty, honor, patriotism, shame, demands that we should stop.

But we are told, almost with the tone of taunt, that the free States have had the majority all this time in one branch of Congress at least, and in the electoral college, and, therefore, that whatever responsibility there may have been in making these concessions to slavery, it is upon them. It is well to remind us of this. The free States have had the majority; and the victories of slavery have been won by their divisions. John Randolph said, long ago, "We of the South are always united and can always unite; while you of the North divide. We have conquered you once, and we can and we will conquer you again." These two sentences make a history.

I do not say, and I do not mean to say, that there has been but one political party in the slave States; but that, in these States, fidelity to the interests of slavery has always been, in both parties, an indispensable condition of support for high public station; and that great numbers, in either party, have always been ready to support a candidate of opposite general politics, if undoubted on this question, rather than a candidate of like general politics at all suspected of disfavor to slavery. No candidate known to be in favor of placing the legitimate influence of this Government actively and decidedly on the side of freedom, could receive the support of either party. It is by this unity of sentiment and purpose, aided by appeals to groundless fears for the safety of the Union, and by a disposition growing out of these fears and party alliances to submit to the tests imposed by the slaveholding sections of each political party, that the slave States have "conquered."

Mr. DAWSON. While the Senator is writing the history of the times, I trust he will do it correctly. The South has never opposed any man because he was in favor of freedom. The South has selected between gentlemen, and those who were against interfering with the constitutional rights of the South have always been supported by them. They are opposed to interference with their constitutional rights only; and the Senator is wrong to say that they opposed any one because he belongs to the free States, or is in favor of freedom.

Mr. CHASE. I shall always be ready to accept any correction, from any Senator, of any erroneous statement I may make. But, sir, what is meant by the "constitutional rights of the South?" Who refuses to support "the constitutional rights of the South?" Nobody here, certainly. But what are they? Sir, when gentlemen from the slave States ask us to support the Constitution, I fear they mean only their *construction* of the Constitution. Every concession which has ever been made to slavery, every concession now demanded, was and is claimed under this same plea of "constitutional rights." I will ask the Senator from Georgia whether he does not hold that it is the "constitutional right" of every citizen of the slave States to take his slaves into the Territories, and to be protected in holding them there by the laws of this Government?

Mr. DAWSON. I do.

Mr. CHASE. So I supposed. Such, also, I understand to be the opinion of the Senator from Alabama, [Mr. KING,] whose abilities and virtues command such general respect. He holds, if I understand aright some recent remarks of his, that the General Government is bound by the Constitution to recognise and protect the rights of masters in slaves to the same extent and in the same manner as the rights of owners in any description of property whatever. I would inquire of the Senator if I understood him correctly?

Mr. KING. I believe that whenever a Territorial Government is established, if persons holding slaves think proper to go there with them, this Government is bound to protect them until the period arrives when the population is sufficient for the formation of a State Constitution. Then, we of the South hold, I believe without exception, that the people thus forming a State Constitution have a right to prohibit or to permit slavery at their pleasure, and that Congress has no right to prevent the new State from coming into the Union on that ground, but can only look at its Constitution to ascertain whether it is republican in its character. Am I understood?

Mr. CHASE. Fully. The doctrine of the Senator is precisely that of the Senator from Georgia. We understand now, from both sides of this Chamber, what is meant when we are called on to maintain "the constitutional rights of the South." So far as the matters now under discussion are concerned, it means that we must recognise and maintain by legislation the claim of citizens of the slave States to take slaves into the Territories and hold them there under National Government and Territorial Government, until the Territory becomes a State, and then we are bound to admit the State into the Union with a Constitution establishing slavery, if such should be the Constitution adopted. And no citizen who refuses his assent to this doctrine; who believes that this Government of ours cannot, under the Constitution, sustain any claim of property in slaves beyond State limits; who opposes, openly and decidedly, the extension of slavery into the Territories, can receive the support of either political party in the slave States. Both parties agree in establishing this test.

We cannot shut our eyes to the fact that this test is made. It is stamped upon every page of our political history for fifty years. Let it be made, if gentlemen desire. I only say, for one, that I will not submit to it. For myself, I prefer a political platform which will have the same meaning in Georgia as in Maine, and candidates who cannot be represented in the North as in favor of freedom, and in the South as supporters of slavery. The policy of silence with reference to important measures and principles, and the policy of ambiguous expressions, are equally obnoxious. Both mislead public judgment; and whether the party which adopts the former, or the party which adopts the latter, succeeds, one or the other section of the country must be disappointed.

Mr. President, honesty is the best policy; justice, the highest expediency; and principle, the only proper basis of union in a political organization. Holding fast as I do to democratic principles; believing firmly that all men are created equal, and are endowed by their Creator with inalienable rights to life and liberty, I desire to see those principles carried out boldly, earnestly, resolutely, in the practical administration of affairs. I wish to see the powers of this Government exercised for the great objects which the Constitution indicates: for the perfection of our Union; for the establishment of justice; for the common defence; for the security of liberty. At the same time I do not desire to see this Government, under the influence of any zeal, however honorable, for freedom, transcend at all the sphere of its constitutional powers and duties. While, therefore, I shall steadily support all proper legislation for the establishment and security of freedom in the Territories and elsewhere within the sphere of exclusive national jurisdiction, I shall, as steadily, refuse my support to all legislation on the subject of slavery within the States. In this line of action I shall feel myself supported by the precepts of the sages of the revolutionary era, by the example of the founders of the Republic, by the original policy of the Government, and by the principles of the Constitution.

I cannot believe that there is danger in such a course. Least of all does the stale cry of disunion alarm me. Men generally, adapt remedies to evils. But what evil that the slave States complain of will disunion cure? Will it establish slavery in the Territories? Will it procure the return of fugitives? Will it suppress discussion? Will it secure slavery where it is? Sir, all men must see that disunion is no remedy for the slave States. Why then the cry, if not to alarm the timid, the sensitive, the unreflecting—to afford excuses for concession—and thus secure advantages which the sober judgment and enlightened conscience of the country would never yield?

Mr. President, I have never calculated the value of the Union. I know no arithmetic by which the computation can be made. We of the West are in the habit of looking upon the Union as we look upon the arch of heaven, without a thought that it can ever decay or fall. With equal reverence we regard the great Ordinance of Freedom, under whose benign influence, within little more than half a century, a wilderness has been converted into an empire. OHIO, the eldest born of the Constitution and the Ordinance, cleaves and will cleave faithfully to both. And now that the time has come when vast accessions of free territory demand the application of those principles of the Ordinance, to which she is indebted for her prosperity and power, to guard them against the blighting influence of slavery, she will insist that the same protection shall be extended to the Territories which was extended to her.

Nor are these the sentiments of Ohio alone. They are the sentiments of the people throughout the free States. Here and there the arts or the fears of politicians or capitalists may suppress their utterance; but they live, and will live, in the hearts of the masses. There is no great and real change in those opinions and convictions which placed a majority pledged to Free Soil in the other wing of the Capitol. It may be, however, that you will succeed here in sacrificing the claims of freedom by some settlement carried through the forms of legislation. But the people will unsettle your settlement. It may be that you will determine that the territories shall not be secured by law against the ingress of slavery. The people will reverse your determination. It may be that you will succeed in burying the Ordinance of Freedom. But the people will write upon its tomb, *Resurgam;** and the same history which records its resurrection may also inform posterity that they who fancied they had killed the Proviso, only committed political suicide.

* "I shall rise again."

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